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EUROPEAN THEORIES OF CONSTITUTIONAL GOVERNMENT AFTER THE CONGRESS OF VIENNA

I. *The Struggle for Constitutions on the Continent*

WHILE Great Britain worked out in comparative calm the adaptation of her political system to the needs of the nineteenth century, progress in the same direction in the rest of Europe was attended with a long series of convulsions. From the fall of Napoleon's empire for full two-thirds of a century agitation was continuous and wars were not infrequent for the realization on the continent of political ideas that had been made prominent by the French Revolution. Until the middle of the century the history of the period is punctuated with insurrections; after 1850, the type of disturbance changes to international war.

Insurrection made its first imposing appearance in the early twenties, when the Carbonari and the Free Masons rose in Italy and Spain respectively, and temporarily converted Bourbon despotisms into a semblance of constitutional governments. At the same time Portugal went through a similar experience, and the Greeks won the interest and sympathy of Christendom by throwing off the yoke of the sultan.

Before the widespread ferment attending these movements had subsided, a more terrifying shock was given to conservatism by the reappearance of revolution in France. In July, 1830, the Bourbon Charles X was driven from the throne and the Orleanist Louis Philippe was put in his place. All Europe was filled with unrest and alarm lest these events should be the prelude to such developments as had followed the uprising against

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the brother of Charles in 1789. Only at two widely separated centers, however, were there serious consequences. Poland rose against the czar and was ruthlessly crushed back into subjection; the Belgians broke away from the connection with the Dutch that had been arranged by the great powers at Vienna and were assisted by these same powers to set up an independent neutralized monarchy.

After the turmoil of these affairs there was a fretful interval of peace. Then came the most violent of all the insurrectionary convulsions, that of 1848. France was again the first to set up the standard of revolt; and she was easily first in the unexpectedness of the outcome. None would have predicted, when the insurrection began, that the French government was about to pass from constitutional monarchy to republic and from that, within four years, to a second Napoleonic empire. Central Europe on this occasion furnished tumults that in fervor and complexity fairly rivaled those in France. All the German and all the Italian peoples were aflame with political passion. Berlin and Vienna and Rome were the scenes of bloody conflicts. At Frankfort a famous assembly of Germans labored long but futilely on the project of uniting Germany under a constitutional government. At Buda-Pesth a short-lived republic, independent of the Hapsburg, cheered the hopes and stimulated the florid eloquence of the Magyars. On every side it seemed as if the old order was finally destroyed. But when after two tempestuous years the tumult ceased, the Hapsburger and the Hohenzollern ruled their dominions and their neighbors as before, and on the face of things central and southern Europe showed little change.

Beneath the surface, however, a transformation had been effected that was readily perceived when trouble again appeared among the nations. Not internal but international conflicts assumed the chief place in European politics, and the projects of the warring powers were in an ever-increasing measure determined by considerations of national growth and consciousness. The operation of this influence is not hard to discern in the Crimean War and in the Italian War of 1859; while in the great Bismarckian conflicts of 1866 and 1870 the consolidation

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of German national unity was the avowed end and the most efficient instrument of the triumphant Prussian policy. Nor was the notion of nationality lacking to the Russo-Turkish conflict that closed the period under consideration; for Serb and Bulgar received through this war the birthright of substantial independence.

Looked at from the point of view of political philosophy the sixty-five years (1815–1880) of strenuous statecraft just surveyed show three bodies of doctrine occupying successively the chief place in the current speculation. The first was constitutionalism, which dominated thought till the middle of the century. The second was nationalism, which reached the climax of its sway over men's minds in the sixties. The third was socialism, which was on the high road to universal absorption of philosophy when the period closed. It is the purpose of the present article to set forth the salient features of the doctrines that accompanied the spread of constitutional government throughout western and central Europe.

Despite the strong reactionary and obscurantist influence manifested in the Holy Alliance, the governments actually organized in the states whose monarchs were restored by the Congress of Vienna furnished abundant evidence that the ideas of the revolution had not lost all their force. Especially conspicuous was the idea that some kind of constitution—of fundamental law, written or unwritten—was of the essence of a rational and workable system. Various practical conditions[1] confirmed the old tendency to regard only a formal written document as a constitution in the full and precise sense. Hence the demand for some such well-defined legal basis for the government, whether monarchic, aristocratic or democratic, became the central feature in the program of the liberal party in every state. Concession to this demand went steadily on among the princes of the continent, strongly resisted only by Austria, Russia and Prussia. After the crises of 1848 the

[1] Among them the fact that where French dominion, after long sway, was destroyed and a sweeping reorganization was necessary, the restored princes were almost compelled to formulate the principles that were to characterize their governments in order to save their subjects from hopeless confusion and anarchy.

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Hohenzollern and later the Hapsburger gave way, and by 1880 practically every Christian state of the continent save Russia was governed under a written constitution.

During the agitations and conflicts that attended the progress to this end, theoretical debate developed new and striking doctrines only as to the content, not as to the desirability, of the written code. There was the greatest diversity among the actual constitutions in the organization and action of the governments. In every state there was continuous strife between parties demanding the application of liberal and conservative interpretations respectively to the fundamental law, or the expansion of that law in the sense of their particular interests. As to the essential requirements of constitutional government, theory was practically unanimous in holding that there must be, first, some guarantee of rights to the individual, and second, a a separation of legislative, executive and judicial powers. It was further held by all but the ultra-conservatives that rational government required the participation of some form of deliberative assembly representing in some way the body of the population. All these requirements had been understood and met in France in 1789 and the following years, but the swift progress of those years into anarchy remained a potent warning to the liberals of the next generation and interposed a barrier for decades against every suggestion of republicanism. Hence the chief problem of those who speculated on the theory of constitutional government was to find a safe and useful niche in the system for the monarch.

Thus until after 1848 the theories of the constitutional state, *Rechtsstaat*, as the Germans called it, were largely concerned with the effort to reconcile the functions of a representative assembly with those of a hereditary monarch, to insure the liberty of the subject individual against the historical and traditional omnipotence of the reigning individual, and to partition sovereignty neatly between the prince and the people or banish the troublesome concept from the ken of philosophy.

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2. *Types of the Realized Constitutions*

The concrete provisions of the constitutions on certain fundamental points furnish a clear revelation of the theory that was prevalent. What is contained in the codes themselves as to the origin of their prescription and the power to modify them, as to the relation of the constitution to ordinary legislation and as to the part of the prince in the making and the execution of laws, furnishes the most useful path of approach to the speculative doctrines of the time.

France led off with the promulgation of a *Charte Constitutionelle* by Louis XVIII at his restoration in 1814. So far as this document itself furnished evidence, the authority on which it was based was the will of the monarch. To withdraw it or make changes in it of any kind whatever seemed equally in his discretion. He was, finally, the definite interpreter of its provisions in any doubt as to their meaning or operation. Under this last principle Charles X, in 1830, construed the clause giving the king the ordinance power as a warrant for decrees setting aside certain statutes and contravening the charter itself. The result was the revolution that put Louis Philippe on the throne. A revision of the charter was effected in connection with this event, and the phraseology of the instrument, like the proceedings by which the revolution was effected, disposed finally of the idea that the will of the monarch was the basis of the constitution, and gave most support to the doctrine that the fundamental law rested upon a compact between the king and the elected representatives of the people. To this system pertain those famous specimens of Gallic phrase-making: "A throne surrounded by republican institutions" and "The king reigns but he does not govern." The constitution was no more successful than these ingenious party formulas in giving precision to the royal function. The politics of the July monarchy turned always on the critical question whether the superior power in the state should gravitate to the king or to the elected representatives of the people.

In many of the lesser states of Europe the course of events was much like that in France. Few princes, however, had as much success as Louis XVIII in imposing on their subjects

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constitutions of exclusively royal origin. In most cases the fundamental law took shape as the result of a formal agreement between monarch and estates-general, and was treated by all parties as beyond amendment save by consent of all who were concerned in its establishment. As the old estates were superseded in the new constitution by the bicameral legislature, this organ became the co-ordinate factor with the monarch in the guardianship of the supreme law. Formal modification of the constitution required the joint action of parliament and crown; but the strong and resolute prince rarely failed to impress upon the established system, by interpretation and administrative practice, the principles that favored his own particular policies. The written constitutions of the nineteenth century proved little more effective than the unwritten law and custom of England in the seventeenth for the speedy and final elimination of the royal prerogative from the high places of authority.

A particularly good illustration of this is to be found in the early history of Prussia under the constitution of 1850. This instrument,[1] formulated by royal authority in agreement with representative bodies, was promulgated by Frederick William IV as fundamental law for the state. It embodied guarantees of individual rights on a generous scale and it assigned an important part in legislation to a chamber that was in some measure representative of the people. Both the terms of the constitution, however, and the interpretation that was at once adopted in practice maintained for the monarch a scope of authority that left no room for the intrusion of democracy, or for a transformation of the government from the royal to the parliamentary type. The principle of separation of powers, with check and balance in the interest of liberty, received no recognition. Executive power was ascribed to the king alone. Legislative power belonged jointly to the king and the two chambers. The judiciary was made wholly subject to the prescriptions of the law. Reinforcing the power thus insured to the monarch was the general authority to issue ordinances for the execution of the laws.

[1] English translation by Professor J. H. Robinson in *Annals of the American Academy of Political and Social Science*, vol. v, supplement.

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In general the government in Prussia under the constitution continued to be, as before, a government by the king, subject only to the new condition that in matters of lawmaking he would act in conjunction with the chambers. How little this restriction meant when a critical issue arose was revealed in 1862 when Bismarck became the king's chief minister. It was explicitly laid down in the constitution that the revenues and expenditures of the state should be determined annually by the budget, which must be voted as law.[1] For four years, however, during which the chambers would not agree with each other on any budget, the government administered the finances according to its unrestricted will. Certain grounds for this action were found in the constitution, though Bismarck afterwards admitted that they were without serious value. What really enabled him to carry through his policy against the violent opposition of the Liberal party was the steadfast assertion of the doctrine that the responsibility for the conduct of the government in Prussia was in last analysis in the king and that he must do his duty—in conformity with the constitution if possible, otherwise without reference to it.[2]

In addition to this dogma of the general residuary power in the king, the monarchic principle had for its support in Prussia and elsewhere a special theory of the nature of law and legislation that was developed by the writers on public law. The common assumption that the participation of the chambers in legislation implied that their function in the matter was equal or superior in importance to that of the prince, was declared to be erroneous. A dual process is involved, so the argument ran, in what is commonly spoken of as lawmaking. First the

[1] Article 100 of the constitution ran as follows: "Taxes and contributions to the public treasury shall be collected only in so far as they shall have been included in the budget, or authorized by special laws."

[2] The technical question was, what should be done when the two houses could not agree on a measure indispensable to the existence of the government. The upper house of the legislature was controlled by the ministry and could thus readily be made the means for effecting a disagreement with the more popular chamber. Bismarck, having created this situation, took the high ground that the king must save the state from the anarchy threatened by the failure of the chambers to perform their duty.

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content of an act of will is determined; second, the will is expressed in the form of a command. In only the first process do the chambers take part. They aid by their deliberations in fixing the content of the future law. But when their proceedings are entirely completed the result is by no means law. It still lacks the essential element—the command that subjects conform to the indicated rule or be punished. This final and decisive element it is the function of the king exclusively to supply through the performance of his duty to promulgate the laws. Only through this royal act is law technically "made." So long as this ultimate act remains the function of the monarch, it is idle to speak of sovereignty as resting anywhere but in him.[1]

Closely associated with this support of the monarchical principle was the distinction carefully worked out between statute and ordinance. So far as the prince was formally vested with the executive power, his right to issue commands that were incidental to the execution of the laws was conceded in all constitutions. But in practice the administration of public business in every governmental system required frequent acts of authority that could not be thought of as related to any specific expression of legislative will. Where constitution or statute set definite bounds to such acts, the ordinance power ceased; but within this limit there was room for the assertion of a degree of power that gave great support to the theory of monarchy. Charles X of France lost his throne through an attempt to extend the ordinance power reserved to him by the constitution so as to justify the contravention of constitution and law. In the amended constitution under which Louis Philippe assumed the crown it was specifically provided that the power to issue ordinances should not extend to suspending the laws or dispensing with their execution. This principle was incorporated in the widely influential Belgian constitution of 1830, through which it was ultimately passed on into the public law of many German states.[2]

[1] For a clear exposition of this doctrine, which still is conspicuous in continental public law, see Jellinek, Gesetz und Verordnung, p. 312, *et seq.*

[2] Jellinek, *op. cit.*, p. 99.

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All the forms of doctrine devised for the support of the monarchic principle were animated by a purpose to assail at one point or another the dogma of the separation of powers. This dogma was the stronghold of popular sovereignty. Not by logical necessity, but by revolutionary history and tradition, Montesquieu's famous classification and distribution of the functions of government had become the distinctive attribute of liberal constitutionalism. A king thus was held to be, like the legislative chambers and the courts, one of the three agencies for carrying into effect the will of the sovereign people. Against this idea the lawyers invoked, as we have just seen, both the testimony of history and the wording of the constitutions themselves. Speculative philosophy also came to the front in the same cause, with criticism that played havoc with the very foundations of the whole doctrine. It was declared to be incomplete and otherwise defective in its analysis of the functions of government and confused in its distribution of functions among the various organs. The upshot of all the criticism, however, tended to be the demonstration that the chief practical weakness of the doctrine was the failure to make perfectly clear the necessity of the monarchic element. An ingenious effort to reformulate the familiar theory and make it serviceable alike for liberals and for monarchists was the leading feature of a philosophy that had some vogue in France at the time of the Bourbon restoration.

3. *Benjamin Constant: His Theory of the Royal Power*

Benjamin Constant, 1767–1830, was one of the most influential writers of the French liberal school in the last two decades of his life. The basis of his doctrines was the sovereignty of the people. This he developed, however, rather in the general spirit of Montesquieu than in the spirit of Rousseau. He contraverted forcefully the dogma of an absolute sovereignty anywhere. Neither in any individual nor in any class nor in society as a whole could he find a right to the unqualified exercise of its will. Like Locke and Montesquieu, Constant would recognize no authority on earth as without limits—"neither that of the people nor that of the men who claim to

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be its representatives nor that of kings, by whatever title they reign, nor that of law. . . ."[1]

Constant's sympathy with the spirit of the English system led him to the formulation of a somewhat novel and striking doctrine as to the royal power. His idea was obviously derived from the working of the British constitution in his own day as distinguished from the operation of it which had been responsible for Montesquieu's view. According to Constant, the three powers enumerated by Montesquieu and recognized in most written constitutions were not exhaustive of the functions of normal government. From the experience of France, in particular, he concluded that even for republican government the old analysis was inadequate, while for constitutional monarchy there were discernible five species of power, each of which should be properly vested in a special organ. The five that he enumerates are these: the royal power, the executive power, the power that represents permanence, the power that represents opinion, and the judicial power. Of these, the executive power belongs to the ministers, the judicial power to the courts, the power representing permanence to a hereditary assembly, and the power representing opinion to an elective assembly. Above them all stands the royal power, whose characteristic function it is to regulate and harmonize the movements of the four, to the end that cooperation rather than reciprocal obstruction may prevail among them.

It had been a common and a troublesome criticism of Montesquieu's doctrine that in operation it tended inevitably either on the one hand to deadlock or on the other hand to the clear predominance of one of the powers over the others. Constant's doctrine aimed to meet both these tendencies by ascribing to the royal power the single function of maintaining each of the others in its proper place and thus preserving the governmental machine in equilibrium.[2]

Constant is interesting and ingenious in illustrating from history the serious consequences that resulted from a failure to

[1] Constant, Politique Constitutionelle, vol. i, p. 13.

[2] Constant, *op. cit.*, vol. i, chap. ii.

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develop the balancing influence. The constitutional monarchy as found actually in the England of his day seems to him to solve the great problem for which before no solution was attainable. The English king embodies a neutral and intermediary power which is distinct from the executive power. This distinction between the royal and the executive, that is, between the king and the ministry, is the most conspicuous feature of Constant's doctrine. While the old defenders of monarchy saw in this distinction merely a purpose of reducing the monarch to a nullity, Constant made it the means of elevating the monarch to a position of the most serious significance in the government. The trend of his argument was to put the control of the ministry wholly in the king. The greatly mooted point as to whether the monarch should be obliged to dismiss ministers that were not acceptable to the representative body was left more or less in the background. Constant pointed out with special zeal the importance of an unfettered discretion in the monarch with respect to his ministers.

> The executive power [that is, the ministry] is deposed without being prosecuted. The king has no occasion to convict his ministry of a crime or of any guilty undertaking in order to dismiss them. He dismisses them without punishing them. Thus all that is necessary happens without anything that is unjust, and, as always results, this means because it is just and also useful from another point of view. It is a great vice in any constitution to leave to powerful men only the alternative of keeping their power or going to the scaffold.[1]

The effort of Constant to find the logical justification for the monarch by regarding him as an organ of government rather than the sovereign of the state was quite characteristic of the desires of thinking men in these days of transition from monarchic to popular sovereignty. His spirit was the spirit that dominated both France and England in the days of the July monarchy. It fell short, however, of successful opposition to the growing force of democratizing sentiment. The hereditary principle was always a stumbling-block to those who sought to

[1] Constant, *op. cit.*, vol. i, p. 23.

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give to the monarch a serious function in government, while at the other extreme the demand for universal suffrage was the element of weakness in the cause of undiluted popular government.

4. *Guizot, the Doctrinaire*

This admirable representative of French culture in the first half of the nineteenth century was more distinguished in historical than in political science and in the practical than the theoretical aspects of government. During the decade of the twenties his lectures at Paris on the origin of representative institutions in Europe gave him a prominent place in the rising group of national historians. Devoted with all his soul to the July monarchy, he became the mainstay of Louis Philippe's government and as prime minister bore the responsibility for its downfall in 1848. Exile in England brought about a renewal of his researches in history, enriched by the teachings of a highly instructive career in statesmanship. His lectures on the origin of representative government were, after careful revision, given to the public. These, with his famous course on the general history of civilization in Europe, fixed his reputation for scholarship and literary power. At several points[1] in his historical narrative he digressed into a philosophical vein and it is from these digressions, colored as they are by the teachings of his dramatic public career, that we are able to derive the fundamentals of his doctrine as to representative government.

Like Benjamin Constant, Guizot rejected the concept of sovereignty as an element in rational political theory. To him the term meant, if it meant anything, an absolute right of making law for a social group of human beings—an absolute dominion of a human will over other human wills. Such dominion was to him merely the essence of tyranny, against which history showed that society in all its grades and forms had always protested. This universal protest sufficed to satisfy him that the

[1] These are to be found chiefly in Representative Government, pt. i, lects. vi–viii; p. ii, lects. x, xv–xviii.

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ascription of absolute power to human beings, whether one or many or all, "is an iniquitous lie." Not will, but the instinctive sense of justice and reason that dwells in every human spirit, must be the ultimate basis of political obligation.

Guizot energetically assailed the long potent dogma that stressed the part of the will in the theory of the state. Liberty he held to be as little dependent on will as was authority. That the individual can be bound only by his own will, as Rousseau assumed, was to Guizot an absurdity. He is bound, as his will itself is determined, by the conscious or unconscious operation of the ideas of reason, truth and justice that inhere in his being as man.

> . . . . man has not an absolute power over himself in virtue of his will; as a moral and reasonable being he is a subject,—subject to laws that he did not himself make, but which have a rightful authority over him, although, as a free agent, he has the power to refuse them, not his consent, but his obedience.[1]

From this rather optimistic assumption as to the psychology of the individual, Guizot's nominalism made easy for him the conclusion that political authority rested elsewhere than in human volition. For society was to him but a collection of individual men and was subject, therefore, to no other principle than that which controlled in the life of each.[2]

According to this reasoning sovereignty, as an absolute form of authority in a state, could be attributed neither to any individual nor to any number of individuals, but only to reason, truth and justice—the abstract ideals to which men inevitably tend to conform. In other words there was no place in political philosophy for that concept which Hobbes and Rousseau, Blackstone, Bentham and Austin had made the corner-stone of all sound doctrine, even of all possible doctrine. The monarch of the *Leviathan*, the community of the *Contrat Social*, the "supreme, irresistible, absolute, uncontrolled" authority that was placed at the summit of the English law by Blackstone,

[1] Rep. Govt., pt. ii, lect. x.

[2] *Ibid.*, pt. i, lect. vi.

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and the determinate human superior from which Austin had set out—all were banned to the scrap-heap by Guizot. With that group of earnest and talented Frenchmen who were known as the *Doctrinaires*, he strove to solve the problems of France after 1815 by denying sovereignty to both Bourbon and people, and striving to satisfy the aspirations of the times by glorifying the rationality and justice of the *Charte*.[1]

On the basis of his idea about sovereignty Guizot developed his conception of representative government—the main subject of his speculation. Governments fell, he held, into two classes, according as they did or did not attribute absolute sovereignty to human beings, one or more. All of the first class were despotic. Representative government was of the second class, based on the denial of the right in any man to make law for himself or anybody else, and on the assumption that all political power is to be directed to approximating the realization of reason, truth and justice. A corollary of the last dogma was that power in the government must be assigned to those who were most capable of approaching reason, truth and justice. The whole operation of the system tended to gather up from the different parts of the community where it was to be found the talent best adapted for the realization of this high end, and to open to this talent the opportunity to promote through the conduct of government the best interests of the community. Guizot did not claim that the working of representative government would be perfect; but he believed that it would come nearer to the maintenance of true liberty and to the true end of the state than any other system thus far devised. The conditions in which the excellence of representative government would be manifest he laid down summarily to be these: that individual liberty should be understood to consist in the power of a man to conform his will to reason; that the guarantees of liberty should aim to secure the conformity of all wills, both of governors and of governed, to reason; that actual power should be in no case absolute, but in every case merely legitimate;

[1] For a good account of the political doctrines of the group to which Guizot belonged, see Merriam, History of the Theory of Sovereignty Since Rousseau, chap. v, "The Sovereignty of Reason."

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and that power is legitimate when it is recognized and accepted by the free reason of the men over whom it is exercised.[1]

The conscious end sought by Guizot in his theorizing was to banish from political science the conception of absolute power. Definitive power he recognized as permeating every governmental organization; the last word in *any one* of its fields of action must be the right of some person or persons. But the right to say the last word in *every* field of action he held incompatible with rationality. It was the formal end of representative government—the highest achievement of political speculation—to provide that every species of definitive power should meet with restraints enough to prevent it from assuming omnipotence. The widest and highest of these powers must especially be so organized as to insure that it do not usurp absolute authority, but act always within the rules of reason and justice. "The art of politics, the secret of liberty, is, then, to provide equals for every power for which it cannot provide superiors."

This was in substance the old theory of the check and balance in government—familiar for generations. Guizot's immediate practical purpose was to gain for the written constitution of France the credit of a complete and final embodiment of this theory. He demanded for it the same exaggerated reverence that had been accorded by great-minded Englishmen like Burke to the unwritten constitution of England. At the same time he freely and regretfully conceded that the peculiar success of the English system, a product of unconscious growth and adaptation to concrete demands, was not to be expected of any government that was planned and instituted complete at a given moment of time. He was too strongly imbued with the historical spirit to feel any confidence in constitutions scientifically made to order.[2] All that he hoped from the *Charte* was that it should serve as a sea anchor, steadying France till

[1] Rep. Govt., pt. ii, lect. x.

[2] See his criticism of the analytical method in modern political science, in *op. cit.*, pt. i, lect. xv, *ad init.* It was the fortune of the English system that it developed naturally and spontaneously out of facts, when the science and artifice that distinguish modern times were unknown. *Loc. cit.*

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the perils of apriorism and self-consciousness should pass away, and she should be able to relapse peacefully into the benign influence of his particular ideas of reason, truth and justice.

The eternal verity that Guizot found in the *Charte* was its guarantee against any exaggeration of power in either monarch or people. The balance between these two equally menacing elements he believed to be justly maintained. It was his pathetic fate to see himself and all his theories repudiated by France, and absolutism triumphant through democracy and monarchy in turn.

5. *Tocqueville and Realized Democracy*

While the cause of constitutional monarchy was upheld by the doctrines that were represented so well by Constant and Guizot, there was no lack of speculation on republican and fully democratic lines. Most of this, however, was more ardent than novel, and tended merely to reproduce and reiterate the ideas that were dominant at the end of the preceding century. A sensational diversion from the monotony of the discussion in this branch of liberalism was created by the priest Lamennais, who in 1834 began his twenty years of futile enthusiasm over the idea of democratizing Catholic Christianity.[1] He became eventually a full member of the Socialistic group, in whose doctrines democratic philosophy found a really new and productive field of development in and after 1848. This type of speculation we shall not take up for consideration here. In the present article attention must be given to a discussion of democracy that was wholly distinct in method and in spirit from those that had become traditional.

The political systems of the Americans had been of more than negligible influence in motivating the French Revolution of 1789. With the submergence of republican ideas in the Napoleonic period and that of the Bourbon restoration, the great experiment of the United States ceased to receive much attention. Liberal exiles from the disturbed regions of the Old

[1] His *Paroles d'un croyant* appeared in 1834. For a full and impartial account of his life and works, see Spuller, Lammenais.

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World found a safe refuge but little comfort in the crude communities of North America. The adherents of constitutional monarchy assumed, without much investigation, that the peculiar people across the ocean could furnish no suggestions that would be of use where royalty was of the essence of rational government. Then, in 1835, the first volume of Tocqueville's *Democracy in America* appeared, and throughout the intellectual circles of western Europe both democracy and America took on a new aspect and a new significance in political speculation.

A general analysis of Tocqueville's famous work cannot be undertaken here. Its scope far exceeds the field in which we are here interested, and its influence in our limited field was not of the greatest. On certain points, however, in the working of democratic government under a written constitution, Tocqueville's acute observation and brilliant literary expression established a new canon in political science. We shall confine our attention in this place to his method in general and to his exposition of two or three features of the constitutional system in action.[1]

In method Tocqueville continues the line of Aristotle, Polybius, Machiavelli and Montesquieu. The last-named is at many points an openly imitated model. Like all these great thinkers Tocqueville makes the observation of facts the basis of his philosophizing on politics. He differs from Aristotle in making no effort to work out a complete science of the state; and he differs from Montesquieu in confining his comment to the laws and customs of a single people. To Machiavelli's *Discourses on Livy* the *Democracy in America* has a striking kinship; the Florentine's search among Roman institutions for lessons that shall profit the Italian republicanism of the fifteenth century is closely paralleled by the Breton's investigation of America for the benefit of French republicanism in the nineteenth. But Machiavelli took his facts at second hand, while

[1] Democracy in America is the only work that shall concern us here. His other writings had no important bearing on the history of nineteenth-century constitutionalism.

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Tocqueville wrote on the basis of personal observation. At this point the French philosopher comes into close connection with Polybius, whose analysis of the Roman state sprang from the note-book of the foreigner. As Polybius's conception of the Roman constitution formed the basis of all systematic speculation on the subject later among the Romans themselves; and as Montesquieu furnished the English with the first coherent theory of their constitution; so Tocqueville's exposition of the American democracy has been the source of many of the commonplaces in the conception of their institutions that have became traditional among the people of the United States.

The tenacity with which Guizot and other liberals resisted every intrusion of democratic ideas was due in large measure to the memories of the Jacobin régime. It was firmly believed that no constitutional provisions, however astutely devised, could prevent a government based on popular sovereignty from becoming sooner or later an odious despotism. Universal suffrage was sure to be the electoral law, and this would inevitably mean the tyranny of a majority regardless of all restrictions that might be imposed by a constitution. Tocqueville's great service was to set in a clear light the agencies, both within and without the formal prescriptions of the written fundamental law, through which, in the American system, this dreaded evil was mitigated and postponed, if not escaped altogether.

He pointed out, in the first place, the qualifications permeating the principle of sovereignty. His own conception of sovereignty was wholly lacking in precision, tending on the whole to agree with that of Guizot and Constant. It was the ultimate law-making authority, but it was not absolute in any human will, whether individual or collective. It was in last analysis justice and reason only; and what was just and reasonable, he declared, with confusing inconsequence, was to be found in the will of the majority of all mankind.[1] Such inconsistency in thinking about sovereignty was, however, not out of

[1] Democracy in America (Reeve-Bowen trans.), vol. i, p. 330 *et seq.* See p. 154.

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place in a discussion of the American political system; for there was as yet no consensus in the United States as to the abode or even the attributes of this elusive entity; and the many constitutions, state and federal, with all their elaborate formulas, gave no conclusive demonstration that sovereignty belonged either to the states, individually or collectively, or to the people as a whole, or to the people segregated in the several state communities. Each of these views, as well as various others, was propounded from time to time by speculative minds, but the most common idea was that supreme power was divided between the United States and the individual states, each being sovereign in its sphere.

This was the dogma adopted by Tocqueville, without question as to the solution of the difficult problems of logic suggested by it. The theory served his purpose by exhibiting at the very base of the system an agency through which the perils of democracy were avoided. Since the constitution itself denied certain powers to the states and certain others to the general government, there could be no claim to absolute authority by either branch of the dual system. Moreover, there must be a natural tendency of the states to resist illegitimate extension of its powers by the general government and *vice versa*. Thus was revealed a new item in the list of checks and balances through which liberty was insured—an item excluded by the nature of the case from every unitary system.

Tocqueville was quite aware that this principle had been employed in a crude form in earlier confederations of states; but he detected and set forth with clearness the features of its application in America that gave a distinctive character to the United States. Its government, he thought, must be designated as incompletely national rather than strictly federal. It was at all events, he believed, a new type of political organization, for which a special name had not yet been devised.[1] Its appearance had been due to the special needs of the Americans

[1] Tocqueville, *op. cit.*, vol. i, p. 201. Tocqueville was of course unfamiliar with the German distinction between *Staatenbund* and *Bundesstaat*. It was in 1835 that Pfizer published his influential work on German public law in which he sought to show how the German *Bund* had in it the making of a *Bundesstaat*.

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immediately after achieving their independence. Whether the new devices would be available for other peoples was far from certain; the late attempt of the Mexicans to use them had proved a dismal failure.[1] In any case, however, it behooved the philosophical observer to note critically and dispassionately the new phenomenon in political science.

The chief feature that made the United States unique among federal systems was the assignment to the general government of the power to enforce its authority over citizens by direct action of its own officials rather than indirectly through the officials of the states. This afforded, Tocqueville thought, a necessary corrective to the anarchic tendency that commonly manifested itself in confederacies. It strengthened the central government as against the states. On the other side the integrity of the states was guaranteed by their possession of all residual authority outside of the limited field ascribed to the United States. Against both governments the rights of the individual were secured, not only by the constitutional restrictions familiar in Europe, but especially by two devices that aroused the liveliest curiosity and interest in the philosopher. These were, first the extreme decentralization of administration, and second, the exalted political function of the higher judiciary in its power to pass upon the constitutionality of legislative and executive acts.[2] These two elements in the American system were first brought into prominence among European thinkers by the descriptions and eulogies framed by Tocqueville. From his time to the present day they have been continuously in the focus of historical, constitutional and juristic discussion.

The origin and influence of these two features of American political life are set forth with great accuracy and impartiality by Tocqueville. He finds in both of them an important part in the successful career of constitutional democracy. The ex-

[1] "The Constitution of the United States resembles those fine creations of human industry which insure wealth and renown to their inventors, but which are profitless in other hands. This truth is exemplified by the condition of Mexico at the present time." *Ibid.*, p. 211.

[2] *Op. cit.*, i, chaps. v and vi.

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clusion of a remote and unfamiliar authority from the management of local affairs has a wholesome effect upon the interest and activity of the community in its own business, and so by suggestion upon its concern in the wider sphere. Self-government in the towns and counties is the primary manifestation of the democratic spirit that is essential to the whole system. It furnishes also a most significant item in the list of reciprocal checks upon the undue extension of governmental activity. Where it prevails there is no opportunity for the development of the oppression that is likely to accompany a wide-reaching authority in the central administration.[1]

Of somewhat similar significance is the position assumed in the American system by the judiciary. In the mere fact that the courts have a decisive voice in interpreting the constitution and in passing upon the validity of statutes, Tocqueville sees a check upon both legislature and executive that is wholly unknown in Europe. It restores to something like an equal place in Montesquieu's triad of separated powers that one which had been reduced to practical nullity, and thus strengthens again the guarantees against tyranny. Nor is the manner less praiseworthy than the fact of this exaltation of the judiciary by the Americans. To set the court up in open political conflict with the legislature would be, Tocqueville sees, disastrous; but when the invalidity of a statute is determined as a mere incident of a private lawsuit, "in an obscure debate on some particular case," the danger of trouble is reduced to the minimum.[2]

The treatment of these two capital items in the American system well illustrates Tocqueville's general purpose. He aims to show that the democracy which for the first time in history appears successful in a large population and territory rests essentially, not on the prescriptions of the written constitutions (though these documents are so numerous and so skilfully framed in the United States), but on the history and character, the environment, manners and morals of the people. Neither

[1] Tocqueville's reflections upon the nature and effects of centralization in government and in administration, the two being carefully distinguished, constitute one of the most famous and influential passages in his work. See *op. cit.*, vol. i, p. 107 *et seq.*

[2] *Op. cit.*, vol. i, p. 128.

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decentralization nor the power of the courts to nullify legislation is formally embodied in the written constitutions, but both have become vital elements in American polity. It is not to be inferred, therefore, that the deliberate incorporation of these institutions in the fundamental law of another nation would at all insure the benefits that flow from them in the United States. Thus Tocqueville guards against undue stress on the volitional and conscious forces in political life, and teaches that democracy, though certain to prevail ultimately throughout the civilized world, will not come by the making of constitutions, however ingenious, but gradually, by the unnoticed transformation of social conditions and ideals.[1]

The evil of democracy that Tocqueville finds inevitable and most dangerous is the tyranny of the majority. Universal suffrage (that is, manhood suffrage) he regards as of the essence of democracy, and universal suffrage means the ultimate control of all legislation by the mass of the people. Constitutions, as well as ordinary statutes, will be made to conform to the majority will. Nor will there be any relief in an appeal to public opinion against injustice that is confirmed by law; for the same majority that makes the law makes public opinion. With whatever mitigations American practice has imbued this hard rule, its sway is manifest on all sides. One who holds ideas outside the circle drawn by the belief of the majority can have no political career or desirable social relations. In this is a tyranny more odious and more deadly than that of any monarch.

Tocqueville's despairing insistence on this point of menace to democratic institutions is remarkable and betrays the influence of some cause that blurs his usually acute perceptions of the realities of things. For he seems to think of a majority as a definite, unchanging aggregate, whose will and purpose are beyond the influence of external conditions, instead of a casual

[1] An interesting light on Tocqueville's insight into practical and contemporary tendencies in France, whose special problems were always in his mind, is thrown by his relations to the revolution of 1848, whose approach he predicted. From the advertisement to the twelfth edition of the *Democracy in America*, published in 1850, it appears that he did not divine the near approach of the empire.

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group, ceaselessly changing in physical constituents and psychological character.

In general, however, his estimate of the forces and tendencies inherent in the American system and in democracy in general is amazingly acute and judicious. His great work had an instantaneous and continuing effect on political theory on both sides of the Atlantic, and served in particular to counteract in a marked degree the exaggerated confidence of liberals in the efficiency of the written law.[1]

6. *German Constitutional Theory: The Bundesstaat*

Tocqueville's exposition of the American federal system did not fail to enter substantially into the speculations of contemporary German politics. The agitation throughout the German states that culminated in 1848 was focused chiefly at two points: first, the constitutional position of the monarch in the various states; and second, the union of these states and of the whole German people into a strong and efficient federation.

As has already been indicated, the monarchic principle generally prevailed over republicanism in constitutional practice, and received a well-developed theoretical support. The king was conceived as a wholly self-dependent political entity, possessing far-reaching powers in the government. Whence these powers were derived, was variously answered. Some said, with the voice of the antiquated obscurantist, "from God;" others said, "from nature;" others, "from history;" others still, "from the nation or the state." What no defender of the monarchic principle would say was, "from the people." It was axiomatic with this school of thought that the people no more made the king than the king made the people. The kingship, historically considered, took form and developed *pari passu* with the people (*das Volk*), and the two, king and people, constituted the state. Neither without the other would

[1] Of all the many judgments on Tocqueville's work, that of Bryce, published just before the appearance of his own great study of the United States, has for many reasons the most interest and value for students of political theory at the present day. See his essay, "The Predictions of Hamilton and Tocqueville," in the Johns Hopkins Studies in Historical and Political Science, series v, no. ix.

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suffice to maintain its existence.[1] Each must have its logical and independent place in any constitution that may be formulated for the state.

As to the powers that are indispensable to the kingship in a constitutional monarchy, there was also much difference of opinion among the philosophers. All agreed that the king must be more than a mere executive, that his headship of the state must mean real directing power, not the passivity of a symbol or figurehead. The concrete functions essential to this character ranged in theory as in practice through the whole gamut of possibilities. At one extreme the royal sphere was held to include the sole initiative and an absolute veto in legislation, and an ordinance power with no limit save the explicit terms of the law. At the other extreme the royal part in legislation was restricted in substance by the assignment of concurrent initiative to the chambers, and in operation by the imposition of more or less extensive responsibilities upon the ministers, while the ordinance power and the whole complex of authorities inherent in the idea of "governing" (*Regierung*) were subjected to narrow definition by the constitution itself. In this matter of the monarchic principle German theory made a little advance in scientific formulation, but practically none in substance, beyond what had been involved in the French constitutional debates from 1789 on. Where German theory brought novelty into the European discussion was at the point where the unification of Germany became the dominant practical issue.

The movement for German unity in 1848 took practical form in the famous constitutional assembly at Frankfort.[2] This body framed a constitution, which failed, however, to go into

[1] This is substantially the doctrine of Waitz, in his essay on "Das Königthum und die verfassungsmässige Ordnung," in his Grundzüge der Politik, p. 128. For other shades of doctrine in this matter in the fifties, when the excited debates of the revolution time were giving way to calmer reflection, consult Stahl, Rechts- und Staatslehre, Buch ii, Kap. 12, Abschnitt iii, "Das monarchische Princip." Also, Bluntschli, Allgemeine Staatslehre, Buch 6, Kap. xiv–xvi.

[2] Brief notice in Hazen, *Europe Since 1815*, chap. viii; fuller in Müller, Political History of Recent Times, sec. 17. Summary of Proceedings in Mollat, Reden und Redner des ersten deutschen Parlaments.

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actual operation. The failure was due to facts that were quite apart from the theories expressed in the document. The work of the Frankfort assembly and the whole movement that centered in this work had their chief source in the feeling of national unity among the German peoples. This sentiment of nationality was a conspicuous feature of European psychology by the middle of the nineteenth century, but its philosophical aspects cannot now engage our attention. Here we have to consider the peculiar doctrines involved in the framing of a written constitution that should satisfy the aspirations of the peoples.

From 1815 to 1848 Germany was politically a league of states (*Staatenbund*), whose sole organ of union was a Diet (*Bundestag*) consisting of delegates appointed and controlled by the governments of the various states. These governments were in all but a very few cases monarchic; hence the full sovereignty of every one of the princes was, in accordance with the prevailing ideas of the time, presumed without debate. To the rising liberal and nationalistic sentiment the need of the situation was that Germany as a whole should in some way be made to figure as a state. There was no desire save among a few visionaries to abolish the individual states. The feeling, however, that they should be united in some such manner as to make Germany superior in power and dignity to any of its component parts, and equal to France or Great Britain, was passionate and widespread. Germany, the demand was, must be no longer a confederacy, but in the full sense a state.

History furnished many instances of confederation through which groups of states effected certain common purposes by means of powers delegated more or less permanently to a common government. Not till the most recent times, however, had there appeared a form of organization in which the elements and attributes of the common government made the union as a whole as truly a state as was each of its constituent members. Switzerland and the United States of America were known by 1848 to have assumed this character.[1] The constitution of

[1] In Switzerland a long series of bitter political controversies culminated in 1847 in

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these two unions therefore had a great influence in shaping the projects and theories of those who were promoting German unity. Especially stimulating was the system of the American republic, after Tocqueville's penetrating analysis had brought to the attention of Europe the peculiar principles embodied in it. The constitution of the United States furnished the Frankfort constituent assembly with much that was most significant in the ill-fated project that resulted from its deliberations. Likewise after the futility of this particular written constitution was proved, German theorists about political science continued to perfect on the lines of American debate the logical concept of the *Bundesstaat*.

That republican government was the universal form in the United States while practically all the German states were monarchic was held by many to render the theory of the American system wholly inapplicable in central Europe. There was, indeed, no room for doubt that the tenacity with which the monarchic principle was maintained had much to do with the failure of the Frankfort project. Yet those were on firm logical ground who held that the essential principle of the *Bundesstaat* was in no way affected by the special form of government in either central power or member state, and that the Germans at Frankfort in 1848 gave the first expression in history to the monarchic type of this new form of union, as the Americans at Philadelphia in 1787 gave the first expression to the republican type.[1]

There was no disposition to deny to the Americans priority in detecting the basic feature of the *Bundesstaat*.[2] And what

civil war, the war of the *Sonderbund*. Certain of the cantons sought to reject the authority of the general government. After the secessionists had been suppressed by force a new constitution, in 1848, made secure for the future the permanence of the union and the authority of the general government.

[1] *Cf.* Waitz, Grundzüge der Politik, pp. 209–210. But Waitz apparently believed that the *Bundesstaat* existed among the Greeks.

[2] Treitschke, in his Historische und Politische Aufsätze, ii, 113, declares that the fundamental principle of the *Bundesstaat* was first clearly developed by Alexander Hamilton in the *Continentalist* and the *Federalist*. The principle was, that when a political organ is endowed with a right, the power necessary to the exercise of the right must be presumed to go with it. From this it followed that in a union of states

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was this feature? Merely what Tocqueville had laid such stress on, a general government so complete in organization and so endowed with power as to be able to perform its functions and enforce its authority without recourse to the governments of the member states. Where such a general government existed, there was implied a people seeking to realize the ends of political life, some through this organization and others through the state governments. But the organization of a people to attain the ends of political life is, as Waitz laid down,[1] the definition of the state. Where the organization takes the form of a single government exercising all the necessary powers in every field, there is a unitary state (*Einheitsstaat*); where the powers are divided between two governments, each independently exercising its own, there is a union-state (*Bundesstaat*).[2] Sovereignty, as designating independent and final authority, may properly, in the judgment of Waitz and others, be ascribed alike to the union-state and to the individual state, each in its proper sphere. For sovereignty is conceived as meaning authority that is supreme and unquestionable, but not authority that extends over all conceivable subject-matter.

On this point of the divisibility of sovereignty, as on pretty much every other phase of the general question, there were sharp differences of opinion among the Germans. The course and substance of their controversies involved little that had not been exhibited in the legal and political arena of the United States. The dogma of sovereignty according to spheres had been propounded by all the leading American publicists. The "Union" that Daniel Webster had become immortal in defend-

the central government must have power to enforce its laws upon the individual citizens. This *bahnbrechende* idea was discussed by the Americans solely with respect to their peculiar practical problems. Waitz was the first, Treitschke says, to treat the idea systematically and "with the profound earnestness of German science."

[1] . . . die Organisation eines Volks zur Erfüllung seiner höheren Lebensaufgaben . . . ." Grundzüge der Politik, p. 163.

[2] It has been commonly assumed that the proper English equivalent of *Bundesstaat* is "federal state." But many acute reasoners, like Professor J. W. Burgess, insist that while government may be federal, state may not, and the expression "federal state" is meaningless. "Union-state" as the rendering of *Bundesstaat* would seem to be immune to this particular objection.

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ing was the obvious prototype of the Frankfort *Bundesstaat*. John C. Calhoun's trenchant attack on the doctrine of divided sovereignty, though apparently not yet well known across the Atlantic, was not exceeded in effect by the parallel criticism of like-thinking Germans, and his dogma of state-sovereignty was destined to furnish, when made readily accessible,[1] valuable aid and comfort to the partisans of *Particularismus* in the empire that Bismarck brought into being.

Neither the German nor the American theorists were successful in so defining the *Bundesstaat* as to insure to it general recognition as a new species of the genus state. The Germans were embarrassed by their monarchic principle. This, taken in connection with their doctrine that sovereignty was divisible, made every reigning prince the absolute possessor of some, if not all, of the governmental powers in his dominions. To superimpose on these "sovereigns" a monarchic government whose chief must be recognized as endowed with powers and dignity as exalted and indefeasible as theirs, was possible in theory; but the resulting system would inevitably involve such diffusion of power and uncertainty of its tenure as to suggest confederacy or anarchy rather than the definiteness of a state.[2]

A more coherent and admissible concept of the *Bundesstaat* as a real state was developed by those who relegated the monarch to the position of a mere executive, and regarded a people as the essential and self-sufficient basis of whatever was entitled to the name of state. In the people was to be found, according to this view, the source of all the powers vested in both state and federal governments, and the final authority in deciding where ran the line of partition between them. The people

[1] The works in which Calhoun most systematically developed his doctrine were published only in 1851, the year after his death.

[2] The Frankfort assembly, after completing its constitution for Germany, offered to Frederick William IV of Prussia the headship of the new government, with the title "Emperor of the Germans." The dignity was declined partly because the offer came, not from the princes of the German states, but from the representatives of the people, and partly because acceptance clearly would be followed by a difficult and uncertain war to enforce the new system upon Austria and many other states. All the circumstances showed that the particular *Bundesstaat* formed at Frankfort lacked the essential elements of order and progress.

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was the constituent entity and the constitution was the people's will as to how the functions of state life were to be divided for exercise between two organizations and distributed among the various departments of each. A *Bundesstaat*, then, was a state in which the sovereign people had a dual rather than a single governmental organization, and assigned to each branch a part, not of sovereignty, but of the powers to be exercised for the good of the state by the government.

This explanation of the *Bundesstaat* had few supporters in Germany. It smacked too much of democracy and dangerous radicalism. There was indeed endless iteration of the cry that the Frankfort assembly was the constitution-making organ of the German people, and that the fundamental law there formulated was the people's will. Yet conscientious philosophers, even of advanced liberal views, were slow to take this doctrine seriously; for the German princes were in theory distinctly set off from the German people, and in practice it was clearly the princes rather than the people that determined the fate of the Frankfort movement.

In America the conception of the *Bundesstaat* outlined above became after the middle of the nineteenth century predominant among reflecting men.[1] The idea that sovereignty was divisible lost its hold through the powerful logic of Calhoun, and the growing might of triumphant democracy nourished the dogma that in the people must be found sovereignty, not only in the sense of the power to say the last word in matters of governmental practice, but in that more comprehensive sense for which Blackstone furnished the formula—the power that is "supreme, irresistible, absolute, uncontrolled." With sovereignty and the making of governments and constitutions an indefeasible attribute of the people, the federal system could be neatly fitted into the theory of the state. Not that it revealed a new species of state. With the distinction between state and government duly regarded, there was no such thing conceivable as a "federal state," but only a unitary state with a federal government.

[1] *Cf.* the interesting discussion in Merriam, History of the Theory of Sovereignty Since Rousseau, chap. ix.

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But the clearing-up of theory by American facts and ideas did not serve to solve all the problems that were inherent in the conditions. To make it clear that sovereignty was in the people did not save the United States from a barbarous civil war, in which the location of sovereignty was a leading issue. The old question recurred with appalling consequences: who constitute the people in whom sovereignty inheres? Is the partition of powers between the two governments determined by the collective inhabitants of each individual state, or by the total population of all the states? There was no more decisive answer to this question in the American system than there was to the issue between princes and people in the German.

Waitz said in discussing the league of states (*Staatenbund*) that the only significance of this form of union in history was that it commonly was a step in the transition from a group of states to a single state. The *Bundesstaat* he considered to have in it more of the element of permanence—to be in fact a distinct and valuable addition to the forms of political life. There is rather more indication in the history of this species of union down to the present time that it is as unstable and transitional as the *Staatenbund*. Its rôle has clearly been, in America and Germany, to prepare the way for the advent of a national unitary state with a federal government.

7. *Conclusion*

The foregoing paragraphs have called attention to the distinctive features of constitutional theory on the continent till well past the middle of the nineteenth century. The written constitution became the almost universal form of fundamental law. As to the character and content of it, theory on the legalistic side dealt particularly, as we have seen, with the doctrine of sovereignty, the function of the monarch, and the nature of the union-state.

On all these subjects the prevailing thought in the theories we have noticed was to ignore in a large measure the concept state and concentrate attention on government. Sovereignty, in the sense of authority that was "supreme, irresistible, absolute, uncontrolled," was excluded from consideration, or alto-

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gether from recognition as a rational idea. No "determinate human superior" such as the English Austin insisted on was thought of as essential to government that was truly constitutional. The French liberals and doctrinaires would hear of nothing but reason and justice, applied to the prescriptions of a nicely balanced system of checks among the departments, as the supreme directing power in political life. The supporters of the monarchic principle claimed for the prince only an indispensable, not an absolute authority; monarch, people and representative bodies each had a part in the government as determined by the constitution. The expounders of the union-state showed a dual government, each branch of which was restricted to a sphere, whose limits the constitution must be depended on to make clear.

For theoretical as well as practical completeness there was required in each of these systems of doctrine some entity on which the various elements of authority could rest. The nice balance among the various departments of the government, even when the royal power was added to the older elements as a regulator, could not be rationally explained as existing and functioning of itself and for itself in France. Prince and representative body were in almost every state of central Europe in strife as to the scope of their respective powers; neither would concede the right of the other to partition the disputed field; an authority with competence to determine competence was inevitably suggested. In the dual government of the *Bundesstaat* the situation was very much the same; delimitation of the respective spheres of the central and the state governments became promptly a problem in both theory and practice. And finally, monarchy and union-state alike presented always the fundamental question: for whom and by whom, in last analysis, is the complex organization of authority created and maintained?

To say, as was in fact said, that a sufficient answer to these questions must be found in the constitution, was but to carry the issue one step further back and raise the controversy as to the source and end of the constitution. To evade the long familiar debate over the constituent power, was more or less

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unconsciously always in the minds of the moderate men who led in the political debate between 1815 and 1848. They feared to ascribe to either people or prince so unrestricted a power as that to create a constitution. They would shut their eyes to the very human motives and passions that entered into the formulation of a constitution by either prince or assembly of representatives, and would assume the concrete result to be the expression of impersonal reason and righteousness.

This attitude had been the normal one among the expositors and eulogists of the unwritten constitution. England, the example *par excellence* of this species, was assumed to have developed its nearly perfect political system through the operation of institutions and forces unrecognized and uncontrolled by the conscious intelligence of men. The English nation was the real creator of the system. In like manner, it was felt, the written constitutions that came forth so numerously in the nineteenth century expressed the spirit and will, not of the delegates or the princes who formulated them, but of the historic and ethnic aggregates of which these constitution-writers were the unconscious organs. Here, then, was to be found the real and ultimate source and interpreter of the fundamental law. Neither the constitution nor any of the organs defined and authorized by it was the last element in the political series. Behind all the definite and personal elements lay in every case that supra-human and impersonal factor that was variously called "people" (collective and abstract, not distributive and concrete), "state" and "nation."

The last of these terms became in the first half of the nineteenth century the most characteristic of the theory which we are indicating. Side by side with the development of constitutionalism in political philosophy the conception and influence of nationality received elaborate investigation and assumed the utmost prominence. The course and character of the theorizing on this subject assumed a somber significance through their relation to the cataclysm of 1914.

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THE INTELLECTUAL PRE-EMINENCE OF JEWS IN MODERN EUROPE

AMONG all the clamorous projects of national self-determination which surround the return of peace the proposal of the Zionists is notable for sobriety, good will and a poise of self-assurance. More confidently and perspicuously than all the others, the Zionists propose a rehabilitation of their national integrity under a régime of live and let live, "with charity for all, with malice toward none." Yet it is always a project for withdrawal upon themselves, a scheme of national demarkation between Jew and gentile; indeed, it is a scheme of territorial demarkation and national frontiers of the conventional sort, within which Jews and Jewish traits, traditions and aspirations are to find scope and breathing space for a home-bred culture and a free unfolding of all that is best and most characteristic in the endowment of the race. There runs through it all a dominant bias of isolation and in-breeding, and a confident persuasion that this isolation and in-breeding will bring great and good results for all concerned. The Zionists aspire to bring to full fruition all that massive endowment of spiritual and intellectual capacities of which their people have given evidence throughout their troubled history, and not least during these concluding centuries of their exile.

The whole project has an idyllic and engaging air. And any disinterested bystander will be greatly moved to wish them godspeed. Yet there comes in a regret that this experiment in isolation and in-breeding could not have been put to the test at an earlier date, before the new order of large-scale industry and universal intercourse had made any conclusive degree of such national isolation impracticable, before this same new order had so shaped the run of things that any nation or community drawn on this small scale would necessarily be dependent on and subsidiary to the run of things at large. It is now, unhappily, true that any "nation" of the size and geo-

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graphical emplacement of the projected Zion will, for the present and the calculable future, necessarily be something of a national make-believe. The current state of the industrial arts will necessarily deny it a rounded and self-balanced national integrity in any substantial sense. The days of Solomon and the caravan trade which underlay the glory of Solomon are long past.

Yet much can doubtless be done by taking thought and making the most of that spirit of stubborn clannishness which has never been the least among the traits of this people. But again, to any disinterested bystander there will come the question: What is the use of it all? It is not so much a question of what is aimed at, as of the chances of its working-out. The logic of the Zionist project plainly runs to the effect that, whereas this people have achieved great things while living under conditions of great adversity, scattered piecemeal among the gentiles of Europe, they are due to achieve much greater things and to reach an unexampled prosperity so soon as they shall have a chance to follow their own devices untroubled within the shelter of their own frontiers. But the doubt presents itself that the conditioning circumstances are not the same or of the same kind in the occidental twentieth century A. D. as in the oriental twelfth century B. C.; nor need it follow that those things which scattered Jews have achieved during their dispersion among the gentiles of Europe are a safe index of what things may be expected of a nation of Jews turned in upon themselves within the insulating frontiers of the Holy Land. It is on this latter point that a question is raised here as to the nature and causes of Jewish achievement in gentile Europe; and the contrast of the conditions offered by the projected Zion will present itself without argument.

It is a fact which must strike any dispassionate observer that the Jewish people have contributed much more than an even share to the intellectual life of modern Europe. So also it is plain that the civilization of Christendom continues today to draw heavily on the Jews for men devoted to science and scholarly pursuits. It is not only that men of Jewish extraction continue to supply more than a proportionate quota to the

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rank and file engaged in scientific and scholarly work, but a disproportionate number of the men to whom modern science and scholarship look for guidance and leadership are of the same derivation. Particularly is this true of the modern sciences, and it applies perhaps especially in the field of scientific theory, even beyond the extent of its application in the domain of workday detail. So much is notorious.

This notable and indeed highly creditable showing has, of course, not escaped the attention of those men of Jewish race who interest themselves in the fortunes of their own people. Not unusually it is set down as a national trait, as evidence of a peculiarly fortunate intellectual endowment, native and hereditary, in the Jewish people. There is much to be said for such a view, but it should not follow that any inquiry into the place and value of the Jewish people in western civilization should come to rest with this broad assertion of pre-eminence in point of native endowment.

It is true that the history of the Chosen People, late and early, throws them into a position of distinction among the nations with which they have been associated; and it will commonly be accepted without much argument that they have, both late and early, shown distinctive traits of temperament and aptitude, such as to mark them off more or less sharply from all the gentiles among whom it has been their lot to be thrown. So general is the recognition of special Jewish traits, of character and of capacity, that any refusal to recognize something which may be called a Jewish type of hereditary endowment would come to nothing much better than a borrowing of trouble.

That there should be such a tenacious spiritual and intellectual heritage transmissible within the Jewish community and marking that people off in any perceptible degree from their gentile neighbors, is all the more notable in view of the known life-history of the children of Israel. No unbiassed ethnologist will question the fact that the Jewish people are a nation of hybrids; that gentile blood of many kinds has been infused into the people in large proportions in the course of time. Indeed, none of the peoples of Christendom has been more unremittingly exposed to hybridization, in spite of all the stiff

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conventional precautions that have been taken to keep the breed pure. It is not a question of a surreptitious hybrid strain, such as would show itself in sporadic reversions to an alien type; but rather it is a question whether the Jewish strain itself, racially speaking, can at all reasonably be held to account for one-half of the pedigree of the Jewish nation as it stands.

The hybrid antecedents of the Children of Israel are not a mere matter of bookish record. Evidence of their hybrid descent is written all over them, wherever they are to be met with, so that in this respect the Jews of Europe are in the same case as the other Europeans, who are also universally cross-bred. It would perplex any anthropologist to identify a single individual among them all who could safely be set down as embodying the Jewish racial type without abatement. The variations in all the measurable traits that go to identify any individual in the schedules of the anthropologists are wide and ubiquitous as regards both their physical and their spiritual traits, in respect of anthropometric measurements as well as in temperament and capacities. And yet, when all is said in abatement of it, the Jewish type, it must be admitted, asserts itself with amazing persistence through all the disguises with which it has been overlaid in the course of age-long hybridization. Whatever may be found true elsewhere, in their contact with other racial types than those of Europe, it still appears that within this European racial environment the outcome given by any infusion of Jewish blood in these cross-bred individuals is something which can be identified as Jewish. Cross-breeding commonly results in a gain to the Jewish community rather than conversely; and the hybrid offspring is a child of Israel rather than of the gentiles.

In effect, therefore, it is the contribution of this Jewish-hybrid people to the culture of modern Europe that is in question. The men of this Jewish extraction count for more than their proportionate share in the intellectual life of western civilization; and they count particularly among the vanguard, the pioneers, the uneasy gild of pathfinders and iconoclasts, in science, scholarship and institutional change and growth. On its face it appears as if an infusion of Jewish blood, even in

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some degree of hybrid attenuation, were the one decisive factor in the case; and something of that sort may well be allowed, to avoid argument if for no more substantial reason. But even a casual survey of the available evidence will leave so broad a claim in doubt.

Of course, there is the fact to be allowed for at the outset, so far as need be, that these intellectuals of Jewish extraction are, after all, of hybrid extraction as well; but this feature of the case need be given no undue weight. It is of consequence in its bearing on the case of the Jews only in the same manner and degree as it is of consequence for any other hybrid people. Cross-breeding gives a wider range of variation and a greater diversity of individual endowment than can be had in any passably pure-bred population; from which results a greater effectual flexibility of aptitudes and capacities in such a people when exposed to conditions that make for change. In this respect the Jews are neither more nor less fortunate than their gentile compatriots.

It may be more to the purpose to note that this intellectual pre-eminence of the Jews has come into bearing within the gentile community of peoples, not from the outside; that the men who have been its bearers have been men immersed in this gentile culture in which they have played their part of guidance and incitement, not bearers of a compelling message from afar or proselyters of enlightenment conjuring with a ready formula worked out in the ghetto and carried over into the gentile community for its mental regeneration. In point of fact, neither these nor other Jews have done effectual missionary work, in any ordinary sense of that term, in this or any other connection; nor have they entertained a design to do so. Indeed, the Chosen People have quite characteristically never been addicted to missionary enterprise; nor does the Jewish scheme of right and honest living comprise anything of the kind. This, too, is notorious fact; so much so that this allusion to it may well strike any Jew as foolish insistence on a commonplace matter of course. In their character of a Chosen People, it is not for them to take thought of their unblest neighbors and seek to dispel the darkness that overlies the soul of the gentiles.

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The cultural heritage of the Jewish people is large and rich, and it is of ancient and honorable lineage. And from time immemorial this people has shown aptitude for such work as will tax the powers of thought and imagination. Their home-bred achievements of the ancient time, before the Diaspora, are among the secure cultural monuments of mankind; but these achievements of the Jewish ancients neither touch the frontiers of modern science nor do they fall in the lines of modern scholarship. So also the later achievements of the Jewish scholars and savants, in so far as their intellectual enterprise has gone forward on what may be called distinctively Jewish lines, within the confines of their own community and by the leading of their own home-bred interest, untouched by that peculiar drift of inquiry that characterizes the speculations of the modern gentile world,—this learning of the later generations of home-bred Jewish scholars is also reputed to have run into lucubrations that have no significance for contemporary science or scholarship at large.

It appears to be only when the gifted Jew escapes from the cultural environment created and fed by the particular genius of his own people, only when he falls into the alien lines of gentile inquiry and becomes a naturalized, though hyphenate, citizen in the gentile republic of learning, that he comes into his own as a creative leader in the world's intellectual enterprise. It is by loss of allegiance, or at the best by force of a divided allegiance to the people of his origin, that he finds himself in the vanguard of modern inquiry.

It will not do to say that none but renegade Jews count effectually in the modern sciences. Such a statement would be too broad; but, for all its excessive breadth, it exceeds the fact only by a margin. The margin may seem wide, so wide as to vitiate the general statement, perhaps, or at least wide enough materially to reduce its cogency. But it would be wider of the mark to claim that the renegades are to be counted only as sporadic exceptions among a body of unmitigated Jews who make up the virtual total of that muster of creative men of science which the Jewish people have thrown into the intellectual advance of Christendom.

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The first requisite for constructive work in modern science, and indeed for any work of inquiry that shall bring enduring results, is a skeptical frame of mind. The enterprising skeptic alone can be counted on to further the increase of knowledge in any substantial fashion. This will be found true both in the modern sciences and in the field of scholarship at large. Much good and serviceable workmanship of a workday character goes into the grand total of modern scientific achievement; but that pioneering and engineering work of guidance, design and theoretical correlation, without which the most painstaking collection and canvass of information is irrelevant, incompetent and impertinent—this intellectual enterprise that goes forward presupposes a degree of exemption from hard-and-fast preconceptions, a skeptical animus, *Unbefangenheit*, release from the dead hand of conventional finality.

The intellectually gifted Jew is in a peculiarly fortunate position in respect of this requisite immunity from the inhibitions of intellectual quietism. But he can come in for such immunity only at the cost of losing his secure place in the scheme of conventions into which he has been born, and at the cost, also, of finding no similarly secure place in that scheme of gentile conventions into which he is thrown. For him as for other men in the like case, the skepticism that goes to make him an effectual factor in the increase and diffusion of knowledge among men involves a loss of that peace of mind that is the birthright of the safe and sane quietist. He becomes a disturber of the intellectual peace, but only at the cost of becoming an intellectual wayfaring man, a wanderer in the intellectual no-man's-land, seeking another place to rest, farther along the road, somewhere over the horizon. They are neither a complaisant nor a contented lot, these aliens of the uneasy feet; but that is, after all, not the point in question.

The young Jew who is at all gifted with a taste for knowledge will unavoidably go afield into that domain of learning where the gentile interests dominate and the gentile orientation gives the outcome. There is nowhere else to go on this quest. He comes forthwith to realize that the scheme of traditions and conventional verities handed down within the pale of his own

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people are matters of habit handed down by tradition, that they have only such force as belongs to matters of habit and convention, and that they lose their binding force so soon as the habitually accepted outlook is given up or seriously deranged. These nationally binding convictions of what is true, good and beautiful in the world of the human spirit are forthwith seen to be only contingently good and true; to be binding only so far as the habitual will to believe in them and to seek the truth along their lines remains intact. That is to say, only so long as no scheme of habituation alien to the man's traditional outlook has broken in on him, and has forced him to see that those convictions and verities which hold their place as fundamentally and eternally good and right within the balanced scheme of received traditions, prove to be, after all, only an ephemeral web of habits of thought; so soon as his current habits of life no longer continue to fall in those traditional lines that keep these habits of thought in countenance.

Now it happens that the home-bred Jewish scheme of things, human and divine, and the ways and means of knowledge that go with such a scheme, are of an archaic fashion, good and true, perhaps, beyond all praise, for the time and conditions that gave rise to it all, that wove that web of habituation and bound its close-knit tissue of traditional verities and conventions. But it all bears the date-mark, "B. C." It is of a divine complexion, monotheistic even, and perhaps intrinsically thearchic; it is ritualistic, with an exceedingly and beautifully magical efficacy of ritual necessity. It is imperiously self-balanced and self-sufficient, to the point of sanctity; and as is always true of such schemes of sanctity and magical sufficiency, it runs on a logic of personal and spiritual traits, qualities and relations, a class of imponderables which are no longer of the substance of those things that are inquired into by men to whom the ever increasingly mechanistic orientation of the modern time becomes habitual.

When the gifted young Jew, still flexible in respect of his mental habits, is set loose among the iron pots of this mechanistic orientation, the clay vessel of Jewish archaism suffers that fortune which is due and coming to clay vessels among the iron

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pots. His beautifully rounded heirloom, trade-marked "B. C.," goes to pieces between his hands, and they are left empty. He is divested of those archaic conventional preconceptions which will not comport with the intellectual environment in which he finds himself. But he is not thereby invested with the gentile's peculiar heritage of conventional preconceptions which have stood over, by inertia of habit, out of the gentile past, which go, on the one hand, to make the safe and sane gentile, conservative and complacent, and which conduce also, on the other hand, to blur the safe and sane gentile's intellectual vision, and to leave him intellectually sessile.

The young Jew finds his own heritage of usage and outlook untenable; but this does not mean that he therefore will take over and inwardly assimilate the traditions of usage and outlook which the gentile world has to offer; or at the most he does not uncritically take over all the intellectual prepossessions that are always standing over among the substantial citizens of the republic of learning. The idols of his own tribe have crumbled in decay and no longer cumber the ground, but that release does not induce him to set up a new line of idols borrowed from an alien tribe to do the same disservice. By consequence he is in a peculiar degree exposed to the unmediated facts of the current situation; and in a peculiar degree, therefore, he takes his orientation from the run of the facts as he finds them, rather than from the traditional interpretation of analogous facts in the past. In short, he is a skeptic by force of circumstances over which he has no control. Which comes to saying that he is in line to become a guide and leader of men in that intellectual enterprise out of which comes the increase and diffusion of knowledge among men, provided always that he is by native gift endowed with that net modicum of intelligence which takes effect in the play of the idle curiosity.

Intellectually he is likely to become an alien; spiritually he is more than likely to remain a Jew; for the heart-strings of affection and consuetude are tied early, and they are not readily retied in after life. Nor does the animus with which the community of safe and sane gentiles is wont to meet him conduce at all to his personal incorporation in that community, what-

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ever may befall the intellectual assets which he brings. Their people need not become his people nor their gods his gods, and indeed the provocation is forever and irritably present all over the place to turn back from following after them. The most amiable share in the gentile community's life that is likely to fall to his lot is that of being interned. One who goes away from home will come to see many unfamiliar things, and to take note of them; but it does not follow that he will swear by all the strange gods whom he meets along the road.

As bearing on the Zionist's enterprise in isolation and nationality, this fable appears to teach a two-fold moral: If the adventure is carried to that consummate outcome which seems to be aimed at, it should apparently be due to be crowned with a large national complacency and, possibly, a profound and self-sufficient content on the part of the Chosen People domiciled once more in the Chosen Land; and when and in so far as the Jewish people in this way turn inward on themselves, their prospective contribution to the world's intellectual output should, in the light of the historical evidence, fairly be expected to take on the complexion of Talmudic lore, rather than that character of free-swung skeptical initiative which their renegades have habitually infused into the pursuit of the modern sciences abroad among the nations. Doubtless, even so the supply of Jewish renegades would not altogether cease, though it should presumably fall off to a relatively inconsiderable residue. And not all renegades are fit guides and leaders of men on the quest of knowledge, nor is their dominant incentive always or ordinarily the quest of the idle curiosity.

There should be some loss to Christendom at large, and there might be some gain to the repatriated Children of Israel. It is a sufficiently difficult choice between a life of complacent futility at home and a thankless quest of unprofitable knowledge abroad. It is, after all, a matter of the drift of circumstance; and behind that lies a question of taste, about which there is no disputing.

THORSTEIN VEBLEN.

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THE EXPANSION OF EUROPE I

AMONG the dominant characteristics of modern history there is none so little understood as the relationship established during the past five hundred years between Europe and the rest of the world—the interaction of European and non-European in the development of modern civilization. Not only is its significance unappreciated, but even the actual story of the stupendous movement which has brought Europeans into close and regular contact with lands and peoples all over the globe is inadequately known. Worthy of the pen of a Gibbon, the narrative of the greatest of human adventures awaits a master hand.

In a general way one has read of the voyages of European navigators who fared across the mighty expanse of ocean, skimmed over tropical seas and ploughed through polar floes, braving all the perils that beset the mariner, spreading out the sails of their craft like wings that whiten the face of the waters, opening up the greatest natural highway known to man until the days of aviation, and linking the ends of the earth in bonds more durable than steel. It was the intrepid sailors of Europe, indeed, who have made the words of the Psalmist luminous throughout the ages: "They that go down to the sea in ships, that do business in great waters, these shall see the works of the Lord and His wonders in the deep." So, too, one has perused pages on which are recorded exploits no less daring and heroic of the men of Europe who landed on far-away strange coasts and among stranger peoples, of the men who sailed along great rivers, struggled through vast forests and jungles, swamps and deserts, climbed towering mountain peaks and fought their way to final victory over a primeval wilderness, over savage beast and still more savage man, until they had laid deep and secure the foundations of a new Europe across the seas; or who, borne onward to the "gorgeous East," matched their vigor and resourcefulness against a huge and

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inert bulk of conservative custom handed down through unnumbered cycles and guarded by countless millions of the human race, until eventually they had planted their banner of triumph on the battlements of ancient civilizations. And yet this epic, grander by far than any sung by the bards of eld, this marvellous tale of migration to every part of the globe, has been told hitherto only in fragments, as a series of episodes more or less detached, as an account merely of activities performed by individual nations; whereas in reality it was a gigantic achievement, not of a group, of a society, of a country, or of several of them, but of a great division of the human race, of the European, who has brought the whole earth within the circuit of his deeds, made the world his home and rendered mankind everywhere his tributary.

Grandiose as this aspect of the movement is, and thrilling as is its appeal to an imagination that finds in fact a greater stimulus than in figment, it is after all a story. That it has not found a suitable narrator may be attributable, of course, to the tremendous scope and complexity of the theme; but this view is hardly tenable when one remembers how often "histories of colonization" and "histories of the world" have been written. A better reason for the neglect is that no one seems to have understood that the contact of Europeans with non-Europeans, extending to the uttermost parts of the earth, has possessed a vital significance that must be surveyed and estimated before the modern age and its problems can be appreciated in the full degree of their importance.

For every land the hour of redemption comes when the gifts that nature has bestowed upon it are put in order of development. That for many of them this hour arrived when the European set foot upon their shores can hardly be denied. But this is not the only, or even the principal, phase of the matter. Since the movement of expansion started, by far the greater part of the world has been occupied by Europeans and made subject to the influence of European civilization. Europe today is no more than a portion of the "European world." The earth, almost in its entirety, is European in outlook, spirit and accomplishment. The expansion of Europe

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has given rise to the concept of human solidarity, to the cosmopolitan idea that includes all races in the community of mankind.

It must be borne in mind, however, that the vast field of action which the European has made his own comprises two distinct areas: one inhabited by aboriginal folk having little or no civilization at all comparable with that of Europe, and the other occupied by certain peoples of Asia who had attained much earlier than the Europeans themselves a degree of civilization not only comparable with, but in some respects quite superior to, that which had been evolved in Europe. It is the expansion of Europe which has brought face to face the two great centres of culture that for many a century had looked in opposite directions. East and West have thus been joined in close and intimate contact with extraordinary results for both.

Whatever the height of civilization attained by the people of the Orient, they had never risen to the cosmopolitan concept. Lacking the spirit of altruism, it would seem, they had attained no common consciousness of the idea that, in addition to a sense of duty toward one's self, there might be a higher and nobler duty comprehending all mankind in its sweep of vision and action. It is the European who has devised, cherished and applied the thought of the advantage of all peoples, of achievements for the general benefit of the human race, of relationships and associations of service to all inhabitants on the face of the globe. It is he who has developed international and interracial relations of every conceivable description.

While the expansion of Europe, furthermore, has served to rend aside the veil that hid so long from the Occident the truly wondrous culture of the Orient and all the fascination of the fabled "Indies," it has accomplished vastly more. The increasing intercourse of West and East has effected a peculiar interchange of respect. Under the rays of the Eastern sun the colder temperament of the European has warmed into admiration for arts that he had long deemed magnificent, but more or less uncouth. Out of the waves of the Indian Ocean and the Pacific another New World has come forth, a gigantic phe-

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nomenon arisen, before a Europe that had almost ignored Asia as a factor in world development. Europe, therefore, has come more and more to recognize and appreciate the age-long civilization of the Orient and its treasures, just as the Orient in turn has begun to understand and utilize the superior achievements of Europe, in the material, technical, mechanical and scientific sense at least. Through a reciprocal rubbing away of their rougher points of contact, the two greatest divisions of mankind, the European and the Asiatic, have become conscious in ever-increasing measure of the duty of laying aside narrow-mindedness and the overvaluation of self, the duty also of bearing forth to humanity at large their gradually awakening mutuality of esteem.[1]

Marvellous in extent and degree as the diffusion of European civilization over the world has been, the concept is subject to a double limitation. In the first place, viewing the breadth and depth of its application, the process has little more than begun. Secondly, even the most hopeful of enthusiasts for European culture can hardly expect that the various types of Asiatic civilization will eventually become transformed into European, or fail to perceive that European culture itself must be more and more influenced by Asiatic ideas and institutions. From the contact, indeed, of Occident and Orient it may safely be assumed that a universal civilization will not be the outcome. On the other hand, certain common traits will be evolved, the intellectual bounds, and perhaps in some measure the racial bounds, will fall away, and civilized peoples the world over, drawn closer by the expansion of Europe, may learn to understand one another in the consciousness of a common humanity.

In view of what has been demonstrated by many a historian, no one would doubt the eminence of the rôle of Greece and Rome—to say nought of the ancient empires that preceded them—and the power of the Roman Church, in shaping the destinies of European mankind, even if the forces thus engendered were limited necessarily by considerations arising out

[1] Hermann Brunnhofer, Oestliches Werden (Berne, 1907), pp. 112–113.

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of the relatively small area in which they originally operated. And when the civilization that was their joint product spread over the entire globe, and brought under its sway vast regions and untold millions of peoples, either little known or absolutely unknown before the fifteenth century, the resultant action and reaction must have become mighty factors in human history. The "Renaissance," the "Reformation," the "French Revolution," the "Industrial Revolution," "Nationalism and Democracy," have been examined, described and evaluated with reference to the particular period of which they form a part. But a movement greater than these and contemporaneous with them has been comparatively ignored. Actually they seem to have been born and bred in Europe alone, and thus to have communicated their influence to the rest of the world; and yet, how far were they in reality the product of Europe's ventures beyond its own frontiers; and if not wholly the product, how far was their inception or development affected by such ventures oversea and overland in distant portions of the earth? This is a question that has remained substantially without an answer.

Wherever, accordingly, the energies of Europeans in modern times have ranged beyond the bounds of their continent, into America, Africa, Asia, Australia and the isles of the sea, the results that followed have been viewed more or less as incidents in the national experience of a particular state. If Europeans settled in a remote region or dealt with its inhabitants, the phenomena to which this association gave rise have not been held to possess a significance of their own, quite apart from the areas or persons or nation immediately concerned. The successive widening through the centuries of the relationship between Europeans and non-Europeans and their respective territories, was, it has been assumed, a feature peculiar to the local history of the participants, which had no meaning as a tremendously potent factor in the evolution of mankind.

If we narrow the field of observation to any particular present-day European nation, which holds possessions located elsewhere than on the continent of Europe and inhabited by peoples not of European ancestry, or which maintains close

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connections with countries reputed "backward," regardless of the ancestry of their citizens, we are likely to view the relations thus existing partly from the standpoint of a more or less evident imperialism and partly from that of the "white man's burden," the former inherited from the period before the nineteenth century and the latter a product of subsequent growth. Just as the one suggests exploitation, so the other conveys the idea of the duty of imparting the blessings of the European type of civilization—or rather the concept of what that stage of progress may be. In both policies contempt for an assumed inferior seems implicit. A nation holding dependencies tenanted by "backward" folk is indeed only too prone to regard its own mission to them as one intended solely for their benefit. That other countries similarly advantaged or encumbered are engaged in a like occupation it will freely admit, provided, however, that the boundaries of their respective spheres of ownership or action are kept sufficiently far apart. Should the lines overlap and sharp competition ensue, then the other nation perforce must be cherishing imperialistic designs that menace the peace of the world.

On the other hand, one often hears the term "world" applied to a thousand varieties of action among nations and peoples. "World commerce," "world politics," "world congresses," "world courts," and "world leagues" are expressions freely used with reference to all sorts of possible adjustments among aggregations of humanity, and without the slightest attempt to ascertain the conditions under which it has become possible to discuss such phenomena. So, too, the present and future of so-called "backward" countries and peoples located beyond the confines of Europe occupy many a page of print and furnish many a topic for public and private discourse; but the circumstances under which those countries and peoples have come within the knowledge, and been rendered subject to the influence or control, of Europeans, and the nature also of the relationship thus set up, have never been investigated so as to furnish the background or antecedents indispensable for understanding them. Only when a world consciousness, as it were, has been attained on the basis of how and why it has

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come about, will anything like a genuine universality of co-operation in conducting the affairs of mankind be possible of realization.

Given these aspects of the matter, it is not strange that European statesmen should be prone to regard the interests of humanity at large as more or less coterminous with those of their own countries, and consider them from the angle of their own racial or national psychology. Familiar enough with "European history" and "European affairs," believing them to be the outcome of European conditions alone, they are disposed to think that what has proved to be a suitable course of action in a recent past, or appears to be the most obvious consequence of an existing situation in Europe, will suffice to determine a most suitable future for all lands and peoples on the globe. Until, therefore, an adequate knowledge of the interaction of European and non-European which has been gathering intensity for half a millennium has been acquired, until the profound significance of the colossal transformation which human relationships the world over have undergone during that period, comes to be appreciated in the measure of its worth, the "forward peoples" of Europe will continue to look for guidance and inspiration backward over "European history," and "backward peoples" elsewhere will be made to look forward, in accordance with rules of procedure current among the nations of Europe or of European stock, and derived wholly from their dealings with one another. As in the case of the story of European migration itself, the indebtedness of the rest of the world to Europe and the indebtedness of Europe to the rest of the world, in all that counts for the general progress of civilization in modern times, await their chronicler and interpreter.

The history of European colonization, moreover, should not be confounded with that of the expansion of Europe. Colonization has to do with the processes by which a given country has acquired, governed and utilized distant territories. It considers the course of discovery, exploration and settlement or occupation. It treats, also, the political and economic institutions thereby implanted. From an economic standpoint, indeed, colonization may be looked upon as an agency for

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exploiting the wealth of the world, by opening special outlets for the emigrants, industries and capital of the colonizing nation. In the history of colonization, moreover, the emphasis throughout is placed on given dependencies as so many offshoots of a parent stem, or else as areas to be developed partly—and doubtless chiefly—in the interests of a particular European country, and partly in their own. Whether one or the other solicitude be in evidence, the regions affected are assumed to have an evolution peculiarly local, and yet to stand in a certain political and economic relation to the state that controls them.

The history of the expansion of Europe, on the other hand, includes colonization and vastly more. It may be regarded, in fact, as the record of the interpenetration of Europeans and non-Europeans the world over in all departments of human activity. Two fundamental concepts are inherent in its interpretation. Of these the first is that dependencies, other than mere seaports and their restricted hinterland, are the germs of new societies and possibly of new nations. Their inhabitants are communities drawn in greater or less degree from European race stocks, or else composed largely of non-Europeans. In either case they are adapting themselves to a new environment. So far as the Europeans are concerned, the environment is the natural one of the locality into which they have transplanted themselves; whereas the environment for the native peoples is that artificially established for them by the Europeans. This mutuality of environmental operation, European and non-European, works in two ways. It involves an application to native lands and peoples of ideas, institutions, usages and commodities derived from Europe, and determines the extent to which the native type of civilization or barbarism may be affected. Similarly, in a reverse sense, it connotes the adoption or adaptation by the Europeans of elements drawn from native conditions, both of country and of people, which modify what they have brought from home. Just as the Europeans influence the natives and their surroundings, so in some degree are they themselves influenced.

The second fundamental concept of the expansion of Europe s that whatever Europeans have done oversea and overland

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beyond their frontiers forms an essential part of the history of their particular nations and of the continent as a whole. The concept is divisible into two phases, of which one may be called the "outward," and the other the "homeward" movement. The former concerns the transmission of European ideas and institutions and the modifications they undergo in contact with their new environment. The latter betokens the results that follow for Europe itself—the influence of such activities upon European civilization proper, and in particular upon the local life and thought of the nations more directly engaged in the work of expansion. Here again a process of interaction is observable. It reveals both the impress made on the civilization of Europe by what the Europeans carry back from their distant ventures, and the manner in which these exotic contributions to European life and thought undergo a change amid new conditions of existence.

Of the two phases of the second fundamental concept, the latter is far the more significant, not only because it refers to Europe itself, but because it has been so long without recognition. Well may the European proudly tell of what he has done, or thinks he has done, for the "little brown brother," or some other beneficiary of the "white man's burden." But what has the "little brown brother" done for him? How have his land, his people, his circumstances, been of benefit or detriment to the European and his country? In what respects has the development of civilization in Europe been moulded by factors and forces born outside its geographical bounds? These indeed are paramount questions.

As a historical concept, therefore, the expansion of Europe may be summarized to mean simply, that Europe has borne its civilization to other parts of the world, and has brought back a variety of things that have altered its life and thought at home. In the process two general movements are apparent: the outgoing and the incoming. Operative in each movement, similarly, are two interacting factors: the one that has been given, and the one that has been received. To put the matter allegorically: Young Europe has gone forth on a venturesome journey over the world. He has taken with him an assortment

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of ideas, customs, institutions and commodities, which he has planted and reared in divers regions and among divers peoples. These have taken root. Some have flourished and others decayed; but so long as he has remained on the scene, he has himself become subject to influences quite unlike those he had felt before he came. Eventually he has gone back, laden with a new assortment of ideas, customs, institutions and commodities. These also he has planted and reared, but in the process of adoption or adaptation they too have undergone changes which differentiate them from their original state. Thus Young Europe has enriched lands and peoples who had recked little or nought of Europe and its ways, and has bestowed new wealth upon his old home.

For convenience in examining more specifically what has been accomplished in the process of expansion, the "outward" movement may be entitled "the transit of European ideas and institutions," and the "homeward," in its turn, "the reaction on European life and thought." The former would involve a consideration of the spread of European civilization from the several standpoints—handled concretely and comparatively—of policy, administration, society, industry, commerce and culture. The latter, similarly, would require a discussion of the influences, alike social, industrial, commercial, financial, intellectual and political which, as so many consequences of European effort abroad, introduce great changes into European conditions at home. With the same object of convenience in view, the study of the double results of expansion under these two main captions may be divided chronologically into two phases, *viz.*, from the beginning of the fifteenth century to the close of the eighteenth, and from this point onward to the present time. Just as in the earlier period, the Atlantic Ocean and America bulk large as the areas of expansion, so in the latter, the Pacific Ocean and Asia are the chief scenes of European endeavor. Whether in point of time, any particular force or factor operates in one period or the other, is of relatively little moment; the important thing to be ascertained, described and evaluated is rather the nature and the extent of its share in promoting the Europeanization of the world, and, conversely,

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in affecting the course of development in Europe itself. Neither should the fact that certain European nations were powerful during a given period and fell subsequently into decadence, while others rose in their stead, be held so essential to determine, as the question of how far the impress they made has been an abiding one—influential then and influential now, though altered in the lapse of years. The permanence of whatever has been transmitted is the keynote constantly to be sounded.

As soon, however, as a European dependency has gained its independence, it ceases to belong to the field of European expansion proper. While remaining, of course, a country inhabited by people wholly or dominantly of European stock, and maintaining much the same relationship with Europe as before, except for the political tie, it should be regarded rather as a nation that is itself engaged in the work of expansion on its own account. Of this phenomenon the United States is the capital example. Up to the attainment of their independence, the thirteen colonies can hardly be said to have had a "colonial history." Whatever the impress received or imparted, they and the other continental areas now included in this country were regions owned or claimed by European nations. As such their history was merely part of that of the nations in question. But when the thirteen colonies became the United States, and the latter acquired domains of its own to the westward and southward, it began then to have a "colonial history." Independence of Europe, accordingly, meant the beginnings of a separate career of expansion, to a great extent in the case of this country and to a less extent in the case of those which once were dominions in America of Spain and Portugal. With reason, indeed, it might be asserted that the United States itself is a product of its own expansion westward through the heart of North America.

On the other hand, a nation originally non-European like Japan, which, without political subjection to any European state, has undergone and is still undergoing Europeanization, has a highly important place in the expansion of Europe, though in a mediate sense. It has been a voluntary adapter, as well as recipient, of such elements of European civilization as have

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suited its particular needs. Thus strengthened and energized, it has sought to enact the rôle of the harmonizer of Oriental and Occidental, to form the connecting link or bridge between East and West. And, as an essential part of this rôle, it aims to be the filter through which in large measure Europeanization shall pass to its huge western neighbor on the Asiatic mainland. Japan, therefore, may be looked upon as both a product of the expansion of Europe and an intermediary for its extension to China. It has not been "opened" so much, perhaps, for the entry of European influence as to enable the Japanese themselves to come out and learn from Europe on their own account!

Having due regard for the convenient chronological division of the study of expansion into the two main periods above indicated, within each of which the "outward" and the "homeward" movements would find their respective places, one may proceed to formulate a statement of some of the things that might conceivably be included in each of the several standpoints mentioned in connection with "the transit of European ideas and institutions." Here again, it must be remembered that the emphasis should be laid upon fixing, so far as possible, the extent to which the important factors of one sort or another have been actually influential in shaping, for good or ill, the circumstances of the lands and peoples to whose shores the Europeans went.

The term "policy," as the first of the standpoints to be considered, is serviceable, perhaps, as a general designation for the motives, methods and characteristics visible in the process by which the nations of Europe have widened their sphere of action over the world. It would include, for example, a classification of dependencies and the successive changes which they have undergone in concept, nature and nomenclature, a survey of geographical conditions, both in Europe and outside of it, as determinants of the course of expansion, and a comparative treatment, also, along broad lines, of the ways in which each country and its representatives, alike private and official, have acted. To these ends the treatment would emphasize the fundamental idea of progressive development from restriction to freedom, as between European nations and the lands and peo-

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ples in the world at large with which they have come into contact. It would point out, among other things, how the absolute subordination of dependencies to the interests of European mother countries has given way gradually, in whole or in part, to a recognition of the former's rights and privileges, allowing the inhabitants of oversea possessions to share in the direction of their own affairs. Incidental to the process, the respective policies of "subjection," "autonomy," "assimilation" and "association" would be brought into view. But in passing, it might be remarked that no European state holding territories oversea in which the native population is far in excess of the European, permits real self-government there. Another source of guidance would be the tendency observable toward a closer union or understanding between the mother countries in Europe and their dependencies elsewhere. Still another factor in the discussion would be the struggle between the "empire-builders" and the men who have been disposed to confine ventures in territorial acquisition oversea to the work merely of defense, development and consolidation, or who have preferred to get rid, so far as might be possible, of such burdens. All these features, naturally, would be traced with a view to arriving at some preliminary estimate of the effects produced.

Just as an examination of the geographical phenomena of the European nations themselves, which might bear upon their action abroad, would precede any account of their "policy," so a description of their human background at home, existing at the time they began their career of expansion, and a similar examination of the human background of the peoples, civilized and uncivilized, to whose regions they were about to direct their energies, would precede the respective accounts of "administration," "society," "industry," "commerce" and "culture." Once this is understood, the interaction that has followed will be made comprehensible.

The study of "administration" would include, of course, both the machinery and operation of the government set up in mother countries and that established in dependencies, subdividing the latter into its general or provincial, and its local branches. In this connection the successive efforts to adapt

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administrative systems to the special conditions prevailing in each of the oversea possessions would require attention. So far as the civilized peoples, notably those of the Orient, are concerned, the treatment would deal with the introduction of European forms of government and means in general of enforcing public power, emphasizing the extent to which they have been actually imposed or voluntarily adopted, along with the corresponding modifications that have ensued.

"Society," in its turn, might be viewed from the several angles of the relationships and distinctions visible among the European and non-European race-stocks, the varying attitude of Europeans toward native peoples, as well as the treatment actually accorded them, and the effects of the contact upon each of the human factors concerned. How the dissemination of Europeans over the earth has enabled them to gain an enlargement of number, an enhancement of strength, an increase of energy and a greater power of endurance, is an important feature of the subject. Another is the significant fact that not only this world-wide diffusion of Europeans, but also a migration of Africans and Asiatics to regions outside their continents of origin has taken place, for which the expansion of Europe is directly responsible. While the forced migration of Africans has been practically ended by the abolition of negro slavery, the migration of Asiatics has been largely voluntary and has displayed withal a marked tendency to increase. All three phases of migration, to be sure, have created problems of tremendous magnitude for the parties involved. What this mingling of European and non-European in one another's communities has meant, therefore, in the drawing of the "color line," in the awakening or intensifying of "race prejudice," in stimulating efforts on the part of Europeans to exclude Orientals from their domains, in dealing with the question whether separateness or amalgamation is the more desirable method of solving the "race problem," will have to be taken into account. So, also, will the consequences for aboriginal and civilized folk of the introduction among them of European manners, customs and habits, beneficial and injurious, the extent to which, for instance, these factors have been conducive to native depopulation or the reverse.

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"Industry" might be discussed with reference to the use and abuse of native, and even European, labor, whether involving slavery, penal servitude in the case of transported convicts, or some other kind of compulsory service, indentures, contracts and similar devices, or the creation of more or less artificial incentives to work. It would call for a study of the various types of industry brought into application and of the introduction of European plants, animals and implements, together with the utilization of those indigenous to the region concerned. The mighty impulse to the development of industrial forces and to the diversification of industrial enterprise, communicated by the inventive genius of Europeans, is obviously a further point to be examined. The same is true of the extent to which Europeans have made a proper use, or have simply squandered, the natural resources of the regions committed to their charge. How much, also, they have profited or suffered through an industrial competition, that they themselves have rendered possible, with non-Europeans and with Orientals in particular, is another topic of importance. In the same general connection, measures having to do with the establishment of European land systems, and with the propagation of the idea of individual, as opposed to communal, ownership or tenancy of landed property, would have to be considered.

"Commerce," similarly, would include the theories and methods adopted by European nations for the promotion of trade with their dependencies and with non-European peoples unsubjected to their rule, even if subject to their influence. It would view the change in concept of a dependency from that of an area merely of exploitation, a place for the production of raw materials to supply the mother country and for the consumption of its manufactures and other commodities, into that of a region provided with natural resources to be developed humanely and rationally for the benefit of both dependency and mother country, by an abolition of the slave traffic and a partial or total removal of vexatious and costly restrictions. In like fashion it would observe the notion of "savages" and "Orientals" who have valuable property to be plundered, merging into the idea of materially backward peoples who

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should be taught how to use for mankind at large the gifts that nature has bestowed upon them. It would take due heed, also, of the introduction of European business ideas and methods, and would emphasize the growing intimacy of contact between Europeans and non-Europeans, which has sprung from the extraordinary facilitation by the former of the means of transportation and communication that have made distance negligible and brought the peoples of the earth closer together.

The remaining feature of "the transit of European ideas and institutions" to be examined would be the spread of European culture, of the European type of non-material civilization, conveyed through language, religion and education. Retained by transplanted European communities that have become actually or substantially independent of their respective mother countries, impressed upon native peoples in an ever-widening circuit of influence, and gained also through the residence of non-Europeans in Europe itself, they have had a potency of appeal stronger by far than the factors of government, social adjustment, labor and trade. Because of their application and diffusion it has become possible to speak accurately of the "Europeanization" of the world; and the reason is that, making all allowance for both partial success and absolute failure, they have reached the mind and heart of non-Europeans, and have not, as in the case of the other agencies in question, affected in the main the bodily senses alone.

One way in which European languages have proved serviceable is the contribution they have made to the writing of history across the map. How Europeans have christened the various localities they have visited or occupied reveals not only their movements, but the impressions left upon their minds and their recollections of the mother country, its customs and beliefs, made vivid by the sight of new lands and peoples. The study of place-names is important in this connection. More important still is the way in which various forms of European speech have become prevalent in vast regions of the earth where nought before had been heard but the sounds of nature and the utterances of aboriginal man. How they have been blended with native idioms into a common language of intercourse be-

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tween Europeans and non-Europeans, how they have encircled the vocabulary of many a civilized folk in Asia and Africa, and how by such contact with native tongues they have undergone profound modifications in their own structure, are interesting subjects of inquiry.

Though tending steadily to a dissolution of the close bond of relationship in which they have long stood, religion and education have continued to be regarded as co-laborers in the task of widening the area of European culture. The usefulness of missionaries, furthermore, not only for the uplift of the native mind and soul, but also for the promotion of political and economic objects, has been fully appreciated by many a European nation in its enterprises oversea, and the knowledge acted upon. Whatever may have been the case in the earlier stages of expansion, certainly in later years the Protestant states of Europe have vied with their Catholic fellows, directly or indirectly, in lending support to the men of piety who have striven to convert the heathen and the infidel to Christianity, and thus to impart a knowledge of the civilization with which it is associated, as well as to inculcate a sense of loyalty to the particular type of it which happened to be predominant in a given European country. How the several plans of action followed by church and government, with or without actual cooperation or antagonism between them and how the activities of private individuals and organizations have operated, and the relative amount of success they have attained, are essential questions to be answered by the study of European achievement in other lands.

Of equal importance is the theme of European education among peoples of alien stock. Here, to be sure, many of the characteristics visible in the case of religious propaganda are quite perceptible; but the field of observation should be broadened so as to comprise intellectual interests of a distinctly secular cast. An account of them should deal, not alone with education in the ordinary sense, but also with the introduction of European learning in general, whatever the especial nature of its manifestation. And in this connection, as with the other phases of the contact between the European and the non-

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European already mentioned, it must be remembered that contact has resulted in education for both. The form in which it has been imparted by the latter may not seem precisely to fit the technical definition of the word "education," but it has been very real nevertheless. To what extent, for example, the Indian, the negro and the Asiatic have taught the European, who came to reside in their lands as master or neighbor, is a valuable, albeit an unwritten, page of history.

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THE AMERICAN REVOLUTION RECONSIDERED[1]

WHEN the representatives of George V recently paid homage to the tomb of the great disloyalist and rebel of a former century, George Washington, the minds of many Americans reverted, with a sense of bewilderment, to the times when the third George was guiding the destinies of the British people. It required the shock of American entrance into the Great War to cause Americans as a people to seek a new orientation for the revolutionary struggle and to view the conflict from a standpoint of scientific detachment. In the first years of the republic the tendency of popular histories and text-books was to dwell almost exclusively upon the spectacular developments of the struggle and to dramatize the heroism of the patriots. In the next period, extending perhaps to the decade of the Civil War, the endeavor of the writers was to exploit the American Revolution for the purpose of sharpening the keen edge of popular antipathy for Great Britain. Popular accounts of the Revolution took on a new color with the great economic transformation following the Civil War and the rise of modern capitalism. Without neglecting the capricious tyrannies that were still represented as marking the conduct of the British government there was a tendency to soften or omit those incidents which would have caused the American Revolution to resemble other popular uprisings against special privilege in government. In 1902 one writer, bored to protest by the current accounts, shrewdly charged the writers of history with trying "to describe a revolution in which all scholarly, refined, and conservative persons might have unhesitatingly taken part; . . . ." But such revolutions, he added, "have never been known to happen."[2]

[1] A paper prepared for presentation at the meeting of the American Historical Association in Cleveland, December 27, 1918.

[2] Fisher, S. G., The True History of the American Revolution (Philadelphia, 1902), p. 9.

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But already a reaction was setting in against the exploitation of the American Revolution for nationalistic or propagandist purposes. At the same time that publicists were questioning the foundations and practices of our modern economic system, a band of devoted research students, working independently of each other in large part, were employing the ruthless methods of modern scholarship in an effort to make possible a re-appraisement of the great conflict. Such scholars as Andrews, Beer, Becker, Chamberlain, Cross, Alvord, Fisher, Lincoln and Moses Coit Tyler rediscovered the Revolution through the examination of a great mass of source material; and within human limitations they sought to assess the evidence thus disclosed without regard to previously accepted opinions. It is not too much to say that they and their co-laborers have ushered in a new era in our understanding of the origins of the American Revolution.

Most of our text-books and popular treatises, however, have continued to perpetuate the obscurantism of the earlier time,[1] and the students in our graduate schools seem to have been the only persons to be admitted within the inner portals where is to be found the shrine of Truth. The coming age promises to be an era in which an international comity will be attained that has never before been approached in the history of the world. This imposes upon those writers who interpret history for the masses the grave responsibility of being as scrupulously fair to other nations as to the United States in dealing with the events of American history; and it is a fact not to be denied that no episode requires re-examination more than the American Revolution. Furthermore, we are living in an epoch of popular revolutions; and every day's reading convinces one that, if it was ever proper to regard the American Revolution as a phenomenon operating in accordance with laws of its own and unlike popular uprisings generally, that time has receded into the dim past.

[1] Altschul, Charles, The American Revolution in Our School Text-Books: An Attempt to Trace the Influence of Early School Education on the Feeling towards England in the United States (New York, 1917), is of interest in this connection.

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The term "American Revolution" is itself not without difficulties and its use has led to misconception and confusion. In letter after letter John Adams tried to teach a headstrong generation some degree of exactness in the use of an expression whose meaning they had knowledge of only by report. "A history of the first war of the United States is a very different thing from a history of the American Revolution," he wrote in 1815. ". . . The revolution was in the minds of the people, and in the union of the colonies, both of which were accomplished before hostilities commenced. This revolution and union were gradually forming from the year 1760 to 1776." And to another correspondent he wrote: "But what do we mean by the American Revolution? Do we mean the American war? The Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people." [1]

This distinction is not only valid in point of fact but it offers a helpful avenue of approach for a consideration of the facts of the nation's birth. If the period from 1760 to 1776 is not viewed merely as the prelude to the American Revolution, the military struggle may frankly be regarded for what it actually was, namely a war for independence, an armed attempt to impose the views of the revolutionists upon the British government and a large section of the colonial population at whatever cost to freedom of opinion or the sanctity of life and property. The major emphasis is thus placed upon the clashing of economic interests and the interplay of mutual prejudices, opposing ideals and personal antagonisms—whether in England or America—which made inevitable in 1776 what was unthinkable in 1760.

Without considering here the remote and latent causes of the revolt, a discussion of the American Revolution may profitably begin with the effort of the British government to reorganize the British empire after the Peace of Paris of 1763. Of this empire the thirteen colonies along the Atlantic seaboard

[1] For these and other similar views, see Adams, J., Works (Boston, 1850–1856), vol. v, p. 492; vol. x, pp. 180, 182, 197, 282–283.

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had, by virtue of the recent peace, become but a small part. British statesmen felt the imperative need of correcting the slothful and unsystematic methods of colonial management by which some of the older colonies had been granted more liberal government than that enjoyed by organized territories of the United States today, and under which all the continental American colonies had become neglectful or defiant of ordinary imperial obligations. There was a need that all the outlying British possessions should be more closely integrated for purposes of administration and that the far-flung empire should be defended against the ambitions of England's traditional enemies, France and Spain, as well as against the restlessness of the alien subject populations. The problem which confronted the British government was much more difficult than the questions of colonial organization with which the American government has wrestled since 1898; but the American adventure in imperialism, involving, as it did, the question of whether the constitution followed the flag, should enable Americans of the present generation to view with sympathy the British experiment of the eighteenth century.

The king's ministers glimpsed too narrowly the task before them. What they regarded as an exercise in the mechanics of legislation was really an innovation in imperial relations that touched the dynamic currents of colonial opinion and colonial economic interest at many vital points. Moreover their attempt was being made at a time when the colonies were, for the first time in their history, relieved of their most urgent need of British protection by the removal of the French menace from their frontiers. Under the earlier imperial policy of "salutary neglect" the colonies had grown in wealth and political capacity, so that by the middle of the eighteenth century they had become accustomed to conduct themselves toward England as substantially equal commonwealths in a federation. For them the new imperial policy involved additional tax burdens, loss of trading profits and limitations of self-government, liberties that were none the less precious because derived from an unwritten and unsanctioned constitution. Fundamentally, the great problem of the decade following the peace of 1763 was the

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problem of the reconciliation of centralized imperial control with colonial home rule. This, unfortunately, was never clearly perceived by the dominant element on either side, the issue being obscured by a blind officialism on the one hand and by an unillumined particularism on the other.

Perhaps the problem was incapable of solution; but we can see now that the best opportunity for a satisfactory outcome lay in the application to the situation of an enlightened statecraft on the part of Great Britain. To this the posture of political affairs in the country was not well adapted. George III, who had ascended the throne in 1760, was already devoting every political and financial resource in his power to the task of converting the British government from an aristocracy of great Whig families into a personal autocracy. His parliament and ministers did not seek to reflect the aspirations of the British public and therefore lacked a potent incentive for the formulation of a conciliatory program of colonial subordination. The minority in parliament represented by Pitt and Burke readily identified the struggle of the colonists to preserve home rule with their own struggle in England against autocratic rule. Pitt was thinking primarily of Englishmen at home when he exclaimed on the occasion of the Stamp Act commotions: "I rejoice that America has resisted." If his counsels had been followed by the government, it is entirely possible that the colonial revolt might have been forestalled by some plan of imperial federation.

With this brief view of affairs in Great Britain it is now possible to consider the situation in America. Conditions there were both simpler and more complex than the traditional accounts represent. In place of thirteen units of population thinking alike on most public questions, there were in fact two or possibly three major groupings of population, differentiated by physiographical conditions, economic interests and political ideals. The communities on the coastal plain from New Hampshire to Pennsylvania constituted one of these divisions; the settlements of the tidewater regions from Maryland to Georgia formed another; and the third, less clearly outlined geographically, consisted of the western sections of many of the

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provinces. These three divisions represented modes of living and attitudes of mind much more fundamental than those indicated by arbitrary political boundaries.

The first area may conveniently be called the commercial section because the dominant economic interest of the people was the carrying trade and shipbuilding. Here great mercantile families had grown up, who had gained their wealth through smuggling with the West Indies or else through legitimate trading enterprises that embraced the entire world. The merchants were keenly alive to the golden benefits which membership in the British empire had always yielded; and like the business interests of any generation or clime, they might be expected to combat any effort to tamper with the source of their profits. For the merchants the unfolding of the new imperial program involved a very serious interference with their customary trading operations; and during the decade from 1764 to 1774 their constant aim was to effect a restoration of the commercial conditions of 1763. As a class they entertained neither earlier nor later the idea of independence, for withdrawal from the British empire meant for them the loss of vital business advantages without corresponding benefits in a world organized on a basis of imperial trading systems. They strove to obtain the most favorable terms possible within the empire but not to leave it. Indeed they viewed with no small concern the growth of republican feeling and leveling sentiment which the controversy occasioned.

The great ports of the north—Boston, New York, Philadelphia, Newport—bore eloquent testimony to the prosperity of the mercantile class; and on the continuance of this prosperity depended the livelihood of the mechanics and petty shopkeepers of the towns and, to a lesser degree, the well-being of the farmers whose cereals and meats were exported to the West Indies. This proletarian element was not inclined by temperament to that self-restraint in movements of popular protest which was ever the *arrière pensée* of the merchant class; and being for the most part unenfranchised, they expressed their sentiments most naturally through boisterous mass meetings and mob demonstrations.

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In the southern coastal area colonial capital was invested almost exclusively in plantation production; and commerce was carried on chiefly by British mercantile houses and their American agents, the factors. The only town in the plantation provinces that could compare with the teeming ports of the north was Charleston; and political life was focused in the periodical meetings of the great landed proprietors in the assemblies. Under the wasteful system of marketing, which the apparent plenty of plantation life made possible, the planters found themselves treading a morass of indebtedness to British merchants from which it seemed that nothing less than virtual repudiation could extricate them. In the last twenty-five years of colonial dependence the assemblies passed a succession of lax bankruptcy acts and other legislation prejudicial to nonresident creditors; but these laws nearly always ran afoul the royal veto. This fact, together with the sturdy sense of self-determination which the peculiar social system fostered, made the plantation provinces ready to resent any new exercise of parliamentary authority over the colonies, such as the new imperial policy involved. Georgia, as the youngest colony, not yet self-sustaining, and dependent on the home government for protection against a serious Indian menace, was less a part of this picture than the other provinces of the group.

On the western fringe of the coastal communities lay an irregular belt of back-country settlements whose economy and modes of thought were almost as distinctive as those of the two tidewater regions. Certainly the western sections of many of the provinces had grievances in common and resembled each other more than they did the older sections with which they were associated by provincial boundaries. These pioneer settlements extended north and south, up and down the valleys between the fall line of the rivers and mountains, from New England to Georgia. Outside of New England the majority of the settlers were of non-English strains, mostly German and Scotch-Irish; but throughout the long frontier the people cultivated small isolated farms and entertained democratic ideas commensurate with the equalitarian conditions to which their manner of living accustomed them. In many of the provinces

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they had long been discriminated against by the older settlements in the matter of representation in the assemblies, the administration of justice and the incidence of taxation; and they were thus familiar, of their own experience, with all the arguments which the Revolution was to make popular against non-representative government and unjust taxation. Being self-sustaining communities economically, their zeal for popular rights was in no wise alloyed by the embarrassment of their pocketbooks. Although out of harmony with the popular leaders of the seaboard in both the commercial and plantation provinces on many matters of intracolonial policy, they could join forces with them against the new imperial policy; and they brought to the controversy a moral conviction and bold philosophy which gave great impetus to the agitation for independence.[1]

The history of the American Revolution is the story of the reaction of these three sections to the successive acts of the British government and of their interaction upon each other. The merchants of the commercial colonies were the most seriously affected by the new imperial policy and at the outset assumed the leadership of the colonial movement of protest. They were closely seconded by the planters of the south as soon as enough time had elapsed to make clear to the latter the implications of the issue of home rule for which the merchants stood. The democratic farmers of the interior, more or less out of contact with the political currents of the seaboard, were slower to take part; and it is largely true that their measure of participation varied inversely according to the degree of their isolation. Patrick Henry and his fellow burgesses from the western counties of Virginia began to undermine the conserv-

[1] In Georgia, however, the frontier settlers were pro-British in their sympathies because of their dependence on the home government for protection against the ever-present menace of the Creeks. Twenty-five years ago Professor J. S. Bassett, in a discriminating study, showed why the people of the interior counties of North Carolina became loyalists when the issue of independence was raised. Had the friction between the interior democracies and coastal minorities developed to the point of armed rebellion in other provinces prior to 1776, the back-country folk might everywhere have thrown their weight on the side of the British government and thus have defeated the Revolution.

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atism of the tidewater statesmen as early as 1765, but the Germans and Scotch-Irish of Pennsylvania did not make their influence fully felt until the critical days of 1774–1775.

The new British policy of imperial control assumed its first form under George Grenville (1764–1765). The numerous regulations of trade, which need not be analyzed here, injured fair traders and smuggling merchants alike and threatened bankruptcy to the great mercantile houses of Boston, New York and Philadelphia. The prohibition of colonial legal tender added to their woes and indeed made the hard-pressed planters of the south sharers in the general distress. The Stamp Act, with its far-reaching taxes burdensome alike to merchant and farmer, sealed the union of commercial and plantation provinces at the same time that it afforded an opportunity for placing the colonial argument on constitutional grounds; and because of the character of the taxation, it rallied to the colonial position the powerful support of the lawyers and newspaper proprietors. The plan of the British to garrison their new acquisitions in America and to station a few detachments of troops in the older colonies was, in the feverish state of the public mind, envisaged as a brazen attempt to intimidate the colonists into submission. The merchants of some of the ports, intent on restoring the conditions of their former prosperity, adopted resolutions of non-importation; and little recking the future, they aroused the populace to a sense of British injustice, even to the extent of countenancing and instigating mob excesses and the destruction of property.

In the end parliament resolved upon the passage of certain remedial laws (1766), an outcome which, from the standpoint of the more radical colonists, can be regarded as little more than a compromise. The Stamp Act was indeed repealed and important alterations were made in the trade regulations; but the Currency Act, the regulations against smuggling and the provisions for a standing army remained unchanged. In addition the Declaratory Act was passed; and the new molasses duty was an unvarnished application of the principle of "taxation without representation" announced in the Declaratory Act. The rejoicing of the colonists can be explained only on

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the ground that the merchants of the north dominated colonial opinion; and like practical men of affairs, they were contemptuous, if not fearful, of disputes upon questions of abstract right.

The passage of the Townshend Acts in 1767 was the second attempt of parliament to reconstruct the empire in the spirit of the Grenville experiment. Again the merchants of the commercial colonies perceived themselves as the class whose interests were chiefly imperiled; but sobered by the mob outrages of Stamp Act days, they resolved to guide the course of American opposition in orderly and peaceful channels. They, therefore, began an active agitation for corrective legislation through merchants' petitions and legislative memorials to parliament; and after much questioning of each others' sincerity they succeeded in developing an elaborate system of commercial boycott, which united the commercial colonies in an effort to secure the repeal of the objectionable laws. After a year or so this movement in a much modified form spread to the plantation provinces, where, under the leadership of Washington and other planters, it was employed as a means of preventing the landed aristocracy from falling more deeply into the toils of their British creditors.

Meantime the merchants began to see that in organizing their communities for peaceful resistance to Great Britain they were unavoidably releasing disruptive forces which, like Frankenstein, they were finding it impossible to control. The failure of non-importation to effect swift redress compelled the merchant bodies, as the months passed, to depend more and more upon the tumultuous methods of the proletariat in order to keep wavering merchants true to the cause. Increasing friction between smuggling merchants and customs officers also produced outbreaks of mob violence in many provinces, and led by a broad, smooth road to such distressing affairs as the Boston "Massacre" on the one hand and to the destruction of the revenue cutter *Gaspee* on the other. As the political agitators and turbulent elements gained the upper hand, the contest began to assume more clearly the form of a crusade for constitutional and natural rights; and when word arrived in May, 1770, that parliament had repealed all the Townshend duties except

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the trifling tax on tea, the merchants found it difficult to reassert their earlier control and to stop a movement that had lost all significance for hard-headed men of business. The merchants of New York, under the leadership of their newly formed Chamber of Commerce, were the first who were able to wrench loose from their enforced alliance with the radicals; and the cancellation of their boycott resolutions was soon followed by similar action in the ports of Philadelphia and Boston. The plantation provinces were coolly left in the lurch notwithstanding that parliament had not receded from its position of arbitrary taxation, and the movement there soon died of inanition.

The two or three years that followed the partial repeal of the Townshend duties were, for the most part, years of material prosperity and political calm. The merchants had grown to look askance at a doctrine of home rule which left it uncertain who was to rule at home. As a class they eagerly agreed with the merchant-politician Thomas Cushing that "high points about the supreme authority of Parliament" should best "fall asleep."[1] And so—John Hancock as well as Isaac Low—they deserted politics for business, even to the extent of importing dutied tea which people imbibed everywhere except at Philadelphia and New York, where local conditions made it possible for merchants to offer the cheaper Dutch tea to consumers. The sun of the radicals had suffered an eclipse; and quietly biding their time, they began to apply to their own following the lessons of organization that they had learned from the "mercantile dons." In the commercial colonies Sam Adams—"that Matchiavel of Chaos"—sought, through the establishment of town committees of correspondence, to unite the workingmen of the port towns and the farmers of the rural districts in political action;[2] and the burgesses of Virginia launched their plan of a provincial committee of correspondence that

[1] *4 Mass. Hist. Soc. Colls.*, vol. iv, p. 360.

[2] This characterization of Adams is one of many with which Thomas Hutchinson sought to give vent to his feelings. British Museum, Additional MSS., no. 35912, f. 225 (*Library of Congress Transcripts*).

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might give uncensored expression to the political grievances of the southern planters.

In May, 1773, a new tea act was passed by parliament, which stampeded the merchants into joining forces once more with the political radicals and irresponsible elements. This new law, if put into operation, would have enabled the great East India Company to monopolize the colonial tea market to the exclusion of both American smugglers and law-abiding tea traders.[1] Alarmed at this prospect and fearful lest further monopoly privileges in trade might follow from the success of the present experiment, the colonial merchant class joined in an active popular agitation for the purpose of preventing the landing of any of the tea importations of the East India Company. Though their efforts for a vigorous but restrained opposition met with substantial success elsewhere, they were overreached at Boston by the superior management of Sam Adams and the unintelligence of Governor Hutchinson; and the British trading company became the involuntary host at a tea party costing £15,000.

The Boston Tea Party marked a turning point in the course of events both in America and Britain. In both countries it was regarded by the merchants and moderates as a lawless destruction of private property and an act of wanton defiance which no self-respecting government could wisely ignore. Plainly the issue between the colonies and the mother country had ceased to be one of mere trading advantage. Outside of New England, colonial opinion, so far as it expressed itself, greeted the event with a general disapproval and apprehension. In the mother country parliament proceeded to the passage of the severe disciplinary measures of 1774.

The effect of this punitive legislation cannot be overestimated, for it convinced many colonists who had disapproved of the Boston vandalism that the greater guilt now lay on the side of

[1] See article by the present writer entitled "The Uprising against the East India Company," POL. SCI. QUAR., vol. xxxii, pp. 60–79. For a detailed discussion of mercantile and proletarian influences throughout the period of revolutionary agitation, see The Colonial Merchants and the American Revolution, 1763–1776 (New York, 1918), by the present writer.

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parliament. "They look upon the chastisement of Boston to be purposely rigorous, and held up by way of intimidation to all America . . ." wrote Governor Penn from Philadelphia. "Their delinquency in destroying the East India Company's tea is lost in the attention given to what is here called the too severe punishment of shutting up the port, altering the Constitution, and making an Act, as they term it, screening the officers and soldiers shedding American blood."[1] From this time on there occurred in the several provinces a contest for the control of public policy between the moderates on the one hand and the radicals or extremists on the other, the former receiving aid and comfort from the royal officials and their circle of friends. This line of cleavage is unmistakable in the case of practically every province.

The moderates as a group wanted to pay for the tea destroyed and to propose to parliament an act of union which should automatically dispose of all controversial questions for the future. The radicals were opposed to compromise and as a class desired a comprehensive and drastic boycott of Great Britain with which to exact from parliament recognition of the colonial claim to complete home rule. Both parties were willing to make a trial of strength in an intercolonial congress; and after bitter contests in each province to control the *personnel* of the irregularly elected delegations, the First Continental Congress assembled in Philadelphia in September, 1774. In this notable gathering the moderates discovered to their dismay that they were outnumbered; and, in the disconsolate phrase of a Maryland merchant, "Adams, with his crew, and the haughty Sultans of the South juggled the whole conclave of the Delegates."[2] Indeed this extralegal body, by adopting the Association, decreed that the merchants of America should sacrifice their trade for the benefit of a cause from which they had come to be alienated; and the radicals in congress provided for spreading a network of committees over the continent to insure obedience to their decree.

[1] 4 American Archives (Force, P., comp.), vol. i, 514.

[2] *Ibid.*, vol. i, p. 1194.

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In the popular conventions called prior to the First Continental Congress and in the provincial meetings that were held to ratify its doings, the people from the back-country counties of many provinces were, for the first time, admitted to that full measure of representation which had long been denied them by the unjust system of apportionment in the colonial assemblies. Deeply stirred by the political slogans of the tidewater radicals, they ranged themselves by their side and lent momentum to an agitation that was hastening toward independence. In closely divided provinces like Pennsylvania and South Carolina their voice was undoubtedly the decisive factor.

The proceedings of the First Continental Congress were viewed with mixed feelings by the colonists. The moderates who had lingered in the popular movement in order to control it began to withdraw, although it required the outbreak of hostilities at Lexington or even the Declaration of Independence to convince some that their efforts could be of no avail. The merchants perforce acquiesced in the regulations of the Association, which, in the early months, were not without profit to them. The radical committees of the coast towns, formerly controlled by the merchants, began to fall into the hands of the democratic mechanic class. In New York, Boston and Philadelphia alike, "nobodies" and "unimportant persons" succeeded to power; and even in Savannah, Governor Wright declared that "the Parochial Committee are a Parcel of the Lowest People, Chiefly Carpenters, Shoemakers, Blacksmiths, &c. . . ."[1] Flushed with success, the radical leaders busied themselves with consolidating their following in town and country through the creation of committees of observation and provincial committees and conventions. Little wonder was it that, in this changed aspect of public affairs, a worthy minister of Charleston, S. C., should be dismissed by his congregation "for his audacity in . . . saying that *mechanics* and country *clowns* had no right to dispute about politics, or what kings, lords and commons had done," or that the newspaper account should add: "All *such* divines should be taught to know that

[1] *Ga. Hist. Soc. Colls.*, vol. iii, p. 228.

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mechanics and country clowns (infamously so called) are the real and absolute masters of king, lords, commons and priests . . ."[1]

Events had reached a stage where the extremists in both countries were in control. What Chatham and Joseph Galloway might have adjusted to their mutual satisfaction could not be rationally discussed by North and Sam Adams. Under the circumstances it was inevitable that the policy of commercial coercion, adopted by the First Continental Congress, should soon be superseded by armed warfare as the weapon of the radicals, and that open rebellion should in turn give way to a struggle for independence. The thronging events of these later months are familiar enough in outline and need not be recounted here. The key to these times is to be found in the fact that the radical elements were a minority of the colonial population and that only through their effective organization and aggressive tactics could they hope to whip into line the great body of timid and indifferent people who lacked either organization or a definite program.

The successive steps leading to independence were not taken without great mental travail, without suspicion of each other's motives, without sordid consultation of economic advantage, or without doubt as to the rectitude of the course or fear of the consequences. Thousands of men of recognized social and business connections, who had been active in the earlier agitation for colonial home rule, opposed separation and left their native land rather than be witnesses to its undoing. One of these earnestly warned his countrymen in April, 1776, that "a set of men whom nobody knows . . . are attempting to hurry you into a scene of anarchy; their scheme of Independence is visionary; they know not themselves what they mean by it."[2] On the other hand, John Adams found food for sober reflection in the rejoicing of a horse-jockey friend of his: "Oh! Mr. Adams, what great things have you and your colleagues done for us! . . . There are no courts of justice

[1] *Newport Mercury*, Sept. 26, 1774; also Pinkney's *Va. Gazette*, Oct. 13.

[2] 4 American Archives, vol. v, pp. 1141–1142.

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now in this Province and I hope there never will be another."[1] Many a man of property, like the patriot, Henry Laurens, wept when he listened to the reading of the Declaration of Independence, or else, like John Ross of Philadelphia, "loved ease and Madeira much better than liberty and strife," and decided to be neutral in the struggle.[2]

The real significance of the American Revolution, however, is not to be measured in terms of the conflicting emotions and purposes of those who, wittingly or unwittingly, helped to bring it about. What great issue in history has not been scarred by sordid motives, personal antagonisms and unintelligent decisions? Fundamentally the American Revolution represented the refusal of a self-reliant people to permit their natural and normal energies to be confined against their will, whether by an irresponsible imperial government or by the ruling minorities in their midst.

The popular view of the Revolution as a great forensic controversy over abstract governmental rights will not bear close scrutiny. How could a people, who for ten years were not in agreement among themselves as to their aims and aspirations, be said to possess a common political philosophy? Before assuming that Otis or Dickinson or Thomson Mason spoke the voice of the colonists, the historian must first ascertain what class or section of the population each represented and how widespread its influence was. At best, an exposition of the political theories of the anti-parliamentary party is an account of their retreat from one strategic position to another. Abandoning a view that based their liberties on charter grants, they appealed to their constitutional rights as Englishmen; and when that position became untenable, they invoked the doctrine of the rights of man. Likewise, their sincere devotion to the kingship was not open to question through ten years of controversy, when suddenly, a few months before the end, an English immigrant jerked the bandages from their eyes and revealed the goal of republicanism and independence at which they had

[1] Works, vol. ii, pp. 420-421.

[2] Graydon, A., Memoirs of His Own Time (Littell, J. S., ed.), p. 118.

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already arrived in fact. Without discounting in any way the propagandist value attaching to popular shibboleths as such, it may as well be admitted that the colonists would have lost their case if the decision had turned upon an impartial consideration of the legal principles involved.

Some of the difficulties in arriving at the truth concerning the Tories may also be apparent. Prior to 1774, it would be a distortion of the facts to picture the country as divided into two major parties, one representing blind attachment to the doctrine of parliamentary supremacy and the other a narrow partisanship of the doctrine of colonial home rule. Rather, the American colonists, united in desiring a large degree of colonial autonomy, differed in opinion as to what limitations of home rule were admissible and as to what methods of opposition were best adapted to secure the relief they desired. In this period every true American was a loyalist in the sense that he favored the permanent integrity of the British empire. Indeed, to regard "Tory" and "loyalist" as equivalent terms would place the historian in the predicament of classing practically the entire colonial population as Tories until 1776.

Excepting always the royal official class and its social connections, the terms "Tory" and "patriot" became intelligible for the first time when the First Continental Congress defined the radical program in the Continental Association and stigmatized those who opposed the program as "enemies of American liberty." As the radical program advanced from commercial coercion to armed rebellion, the local committees applied a new test of patriotism, that of allegiance to the rebellion. It should be remembered, however, that the object of this armed uprising was not independence but, as often in English history, a change in ministerial policy. With the Declaration of Independence patriotism became for the first time synonymous with disloyalty to England. Many men, like Daniel Dulany and Joseph Galloway, who may rightly be considered broad-minded patriotic Americans in the earlier years of the revolutionary contest, became Tories by the new definitions; and John Dickinson is the example of a man who narrowly escaped the infamy of not making up his mind in

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favor of independence as quickly as the majority of the Second Continental Congress. The disorders of the Confederation period were a justification of the decision made by the Tories; but the reconstructive forces in American society which built a nationalistic republic under the Constitution have eloquently vindicated the choice made by the revolutionists.

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DIFFICULTIES OF WORLD ORGANIZATION

THE statement that "this war will end war" has been made so frequently and so vociferously that large numbers of people have accepted it among their articles of faith. If pressed to give a reason for their belief, they express confidence that when the treaty of peace is signed, "some sort of arrangement" will be made, which will prevent further warfare. Whether such an arrangement is possible or feasible, what difficulties must be faced and what problems solved in order to bring it about, are questions which the majority of persons have not considered; and when these matters are urged upon their attention, they reply that such technicalities are better left in the hands of statesmen.

If we have any faith in democracy, however, we must realize the necessity of directing general attention to these problems. The man on the street must understand some of the wider issues involved in the endeavor to form any kind of world state; he must face the difficulties and realize the necessity of compromise on points of minor importance; he must be able to distinguish between methods and principles and hold himself ready to sacrifice the non-essential in order to secure the essential. Without a large measure of general understanding there can be no security against the formation of a governmental system which, though apparently democratic, will actually uphold special interests at the expense of the masses; while, on the other hand, there can be no popular opinion sufficiently strong and intelligent to support a desirable system against the particularistic attacks which will inevitably be made. Political scientists can at present perform no more important work than that of instructing the public concerning the possibilities, problems, issues and difficulties of forming a world state. While many important works have been published on these subjects,[1] comparatively

[1] *Cf.*, J. A. Hobson, Towards International Government, and the collection of essays edited by C. R. Buxton, entitled, Towards a Lasting Settlement.

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little has been accomplished in the way of a general campaign of popular education. This paper is designed as a contribution toward such a campaign. It will devote itself chiefly to the difficulties of forming a world state, not with any idea of discouraging faith in such an organization, which the writers firmly believe to be the only escape from another calamity even greater than that whose effects are agonizing the world, but in order to present for general consideration certain important questions which must be solved before the world state can be formed. Only the principal difficulties can be considered, or even stated, within the limits of this discussion. Of most of them no *ex cathedra* solution is possible, for we are confronted with situations which cannot be mastered by the application of our old systems of political theory. No ready-made answer can be given to most of the questions which will assuredly confront the world in its new and momentous undertaking. Yet these questions must be asked, that out of widespread discussion and careful thought, answers may be developed. The writers of this paper occasionally indicate their own opinions on certain matters, but their primary object is to state problems for general discussion.

The difficulties of world organization may be divided into four principal groups, which will be examined in the order in which they are mentioned: (1) the difficulty of agreeing upon a system of organization; (2) the difficulty of working out a detailed plan for a world government which will be reasonably certain of general acceptance; (3) the difficulty of actually securing the adoption of any proposed plan; (4) the difficulty of operating a world government successfully.

1. *Difficulty of Agreeing Upon a System of Organization*

So many plans have been proposed for the reorganization of the world and the prevention of war that it is not easy to choose among them. A permanent league composed of the British Empire, the United States, France and possibly Italy; a league to enforce peace; an association of powers bound by treaties; a group of nations pledged to act in concert to enforce an economic boycott or some other penalty upon an offending power—

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these and a multitude of other schemes have been set forth, and several of them have won strong and able support. Instructive as it would be to describe some of these proposals in detail, it is not possible to do so here, nor is it necessary, since any library will furnish an abundance of literature concerning the more important plans. The majority of them have a common weakness, which destroys all possibility of effectual functioning: they fail to provide any method of compelling recalcitrant parties to live up to their obligations.

If the present war has taught us anything, it should have made clear the futility of depending upon pledges and treaties to hold nations bound against what they consider their best interests. Nothing could be more foolish than to adopt a system of world organization which does not carry with it a sanction strong enough for all possible emergencies; yet many of the most widely popular plans provide no adequate means of compulsion. The early history of the United States is a most instructive example of the inadequacy of any union, short of genuine federation, with a central government which can apply force when other methods fail. A study of our Articles of Confederation and of our Constitution, with the historical backgrounds of each, and a perusal of that masterpiece of political wisdom, *The Federalist*, will demonstrate clearly that only a powerful central government can reconcile the many and varied claims of several powers and keep peace among them for any length of time.

This lesson of history has not been by any means universally learned, however; and much study and discussion will be needed before the full necessity of a strong world government is commonly understood. Until it is realized there can be no hope of agreement upon a system of organization, for popular favor will still be divided among a multitude of attractive but too often specious plans.

2. *Difficulty of Providing an Acceptable Plan*

Even after public opinion is educated to the point of demanding a strong central government for the new world organization, there will remain the difficulty of working out a scheme

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which is at all likely to be accepted by a majority of the important powers. It is self-evident that some sort of written constitution or agreement will be needed, as no usage, tradition, historical background or common custom can be relied upon to guide the world state. The problems which will come before the body entrusted with the framing of this important document are more numerous and more difficult than any which have ever confronted a deliberative assembly. Probably the first article of the constitution will be the only one easy to write—that is, a statement of purpose. The aim of the world organization will be, of course, to secure permanent peace among nations by removing or controlling the causes of war; and a secondary object may be to "promote the general welfare." These aims are easy to state, but it is far from easy to devise suitable measures for securing them.

Specific form of government and membership are closely related problems of extreme perplexity which will demand early attention. As the former will depend to some extent upon the latter, it will be necessary to determine at the outset what nations shall become members of the new world state. Two considerations indicate the necessity of including all nations. First, if any powerful nations are omitted from the world organization, they will become its opponents, and will ultimately compel it to yield to them or to conquer them—in either case defeating its end. Second, if any smaller nations or undeveloped countries are omitted, stronger nations will be tempted to prey upon them, thus leading to economic and political jealousies and intrigues, and ultimately to war. Hence the safety of small nations and the peace of the world demand the inclusion of all powers. No amount of dislike of our enemies, or of such reasoning as that "including Austria and Germany in the world state would be like making criminals members of the police force," can invalidate these considerations. Feelings must give way to facts.

It would be absurd to suppose that universality of membership involves absolute equality of duty and privilege, or that certain parts of Asia and Africa can stand in the same relation to the world state as Switzerland or Argentina. It will, there-

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fore, be necessary to devise a system of grades of membership. If membership is to be all-inclusive but of various grades, the world government will evidently take the form of a *federated empire*.

To reach this conclusion, however, is not by any means to solve the problems involved. If membership is to be of various grades, how many grades shall be established, and what privileges and responsibilities shall appertain to each? Shall there be provision for change of grade under changing conditions? Perhaps the most troublesome problem arising in this connection is that of defining a unit of membership for each grade. Shall membership be based on area, population, wealth, military resources or nationality as now existent? Shall the British Empire enter as a single unit, or shall it be divided into many units of various grades? What of San Marino, China, the Balkans, Poland, the United States? Obviously, historical grievances must be righted as nearly as possible; and readjustments must be made in every case where it is clear that one country or province has been wronged by another; but even where no such condition exists, changes will probably be necessary in order to arrive at an arrangement of units of membership which will be satisfactory, or even acceptable, to all parties. As a matter of fact, the size of units of the same grade would make very little difference under a strong world government, if it were once established; but it is probable that some division into approximately equal units would have to be made in order to form such a government at all, as few countries would be willing to take the risk that a large and powerful nation, undivided, might seize the reins of power and tyrannize over the others.

If this extremely knotty problem is solved with any measure of success, next in order will arise the question of the relations between members of the world state. Shall one member be allowed any degree of control over another of the same grade or of a lower grade? Shall the new government recognize "special interests" and "spheres of influence"? Shall colonies be made subject to the general government and to no other? To ask this last question raises a dilemma. For if it

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be answered in the affirmative, the establishment of such a relationship would be extremely difficult, since it would meet with opposition from the powerful nations whose support would be most needed in bringing about any kind of world state; if in the negative, and colonies were to be left under the control of constituent units, they would be the objects of jealousies and quarrels which might at any time lead to war. This is true not only of colonies, but of important trade-routes, harbors and canals. What should be the status, for example, of the Suez, Kiel and Panama Canals, or of Gibraltar?

Another phase of the same problem is the matter of nationality. If existing powers are recast in order to secure something approaching equality among the constituent units of the world state, to what extent should the changes be carried? If Canada or Ireland, let us say, should enter the world state as an independent unit, would it be permitted or compelled, as the case might be, to remain for certain purposes a political constituent of the British Empire? This may seem a superfluous question, the answer to which depends chiefly upon the action taken with respect to the disposal of colonies; but as a matter of fact it is not so, for it is quite within the range of possibility that colonies may be made subject to the world state and not to any constituent unit, and at the same time be permitted to retain political connection with the imperial governments to which they were previously altogether subject, and to stand in a peculiar relationship to them as regards various policies, economic or otherwise. Political attachments, it may be, are too deeply rooted to be wholly disregarded in the formation of a world state, and this suggests numerous and complicated problems. Not the least difficult is that of a change in the relation of a territory to what has been its dominant government. After indicating its desire for such change, by plebiscite or some other means, shall a unit or some part of a unit (as Ulster, French Canada, Schleswig-Holstein) be permitted to alter its political allegiance? The dilemma raised by this question is identical with that involved in the question of colonies in general, *i. e.*, important nations will refuse assent to a scheme which makes possible free change of allegiance;

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while if such freedom is not permitted, real suffering may be caused in many instances. By "real suffering" the writers do not of course mean physical tyranny, for the world state will certainly be so organized as to prevent the possibility of this. But even if political allegiance be no more than a name, it may prove intolerable to sensitive spirits in certain cases. When the natives of Alsace say, "We are not German; we are French!" that simple statement represents a deep-seated grievance—no more than a desire, a feeling, perhaps, but a genuine feeling, and worthy of due consideration. In many cases the reason for desiring change may be more practical than sentimental. For example, one group within a unit may object to the government, because its methods of administration, systems of taxation *etc.*, appear to the given group to be undesirable. To permit free change of allegiance will complicate the problem of arranging approximately equal units of membership, and will open the door to agitation and disorder; to forbid it will be to perpetuate injustice and to invite internal disturbances.

Again, what of the individual's national allegiance, or, to speak more accurately, his rights of citizenship in constituent units of the international federation? Suppose that the constitution of the latter provides that all persons within the jurisdiction of the world state are citizens thereof; is it likely to make provision for the way in which citizenship in a constituent unit may be acquired or repudiated? If it does attempt this difficult task, what shall its policy be? Shall it permit each state to make its own ruling; shall it prescribe a universal method for securing release from a distasteful political control and acquiring citizenship elsewhere; or shall citizenship in a constituent unit be merely a matter of residence, as in this country a citizen of the United States is also a citizen of the state in which he resides? This problem is greatly complicated by the matter of race. Exclusion from residence or citizenship on racial grounds will give rise to immense difficulties, while a policy of free residential and political rights everywhere could not possibly secure adoption.

Organization of the various governmental departments pre-

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sents some serious problems. It is evident that in order to satisfy every one and meet the requirements of a democratic world, the legislative branch must be representative. The number of chambers raises no great difficulty and will doubtless be settled on grounds of expediency, after the solution of the really troublesome question—the basis of representation. Shall the basis, in any chamber, be the state as it now exists—that is, shall France and Montenegro each send one representative? Or shall it be geographical—so many representatives from each continent? If the latter, what division shall be made among the various states in any continent? What of the consolidated representation of Australia and North America, which would give the English-speaking peoples a power that would be looked upon askance by other nations? Or shall the basis of representation be population? There are approximately 1,600,000,000 people in the world, and one representative to each million would make an unwieldly legislature of 1,600 members. This aspect of the matter is less alarming, however, than the outlook for the relative power of Occident and Orient if representation is made to depend chiefly on population. Shall representation be distributed equally among all units of membership, or varied according to grade? In case of variation, shall there be a different number of representatives for each grade of membership or the same number with different powers, or shall votes be weighted? Shall extent of territory in any unit or wealth or literacy be taken into consideration? Or shall a combination of various qualities be worked out into an index number for each unit?

A minor, yet important, problem is the method of selecting members of the legislative body or bodies. If no method is indicated, there can be no real democracy, as the nations or units whose traditions are autocratic will doubtless send members appointed in arbitrary fashion and representing favored groups; while, on the other hand, if any particular method is required, it is foredoomed to failure, as there is no single method which will work with success among so many types of culture and degrees of political experience as the world displays today. Possibly the method may be varied according to grade of membership.

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What shall be the term of a member of any chamber, representing a unit of any grade? Shall the legislative body (or bodies) be completely renewed from time to time, or shall it be continuous, renewing its membership piecemeal? What provisions shall be made regarding the number and the distribution of the seats to be filled at any one time? What requirements as to eligibility shall be made? Who shall judge whether or not these requirements have been met in any given instance?

The question of the powers of the world legislature need not detain us here, as it will be discussed later. But there are a host of other problems which deserve consideration at this point, which can be but briefly indicated for lack of space. Among them are: the delicate question of distribution of functions among the various departments of government; that of checks and balances such as are laid down in the Constitution of the United States of America; the relationship of the legislature to the other branches; and the general problem of the interrelations of the three departments.

In regard to the legislature still other questions arise, for example: Shall the constitution make any provision concerning the instruction of legislators by their constituencies? Is there any way of preventing the attitude of legislators on important questions from becoming political issues on which they will rise or fall? Shall the legislators from each member of the federation vote as individuals or as a unit? Shall a simple majority of votes cast be sufficient to pass any measure, or shall a larger majority, two-thirds or three-fourths, be required in certain instances? What types of questions must receive such extraordinary majority, if it be employed at all? What proportion of the total number of the legislators shall be required for a quorum? What language or languages shall be used in the debates of the world legislature? What provisions shall be made for the recording of its deliberations and their publication throughout the world? Shall secret sessions and the expunging of portions of the records be permitted, or must all sessions be open to the public and all records complete and permanent?

The executive branch of the government presents fewer, but none the less important, problems. Shall the world executive

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be single or multiple? Shall it be a president; a committee; a president, premier and cabinet; or some newly devised group? How shall the executive be selected, and for how long a term? Shall any member of the executive branch be permitted to succeed himself in office? How can experienced executives be secured without danger of developing a Caesar or a Napoleon? What shall constitute eligibility, and who shall pass upon it? Shall there be any provision as to nationality of the executive? Obviously, if any one nation or race holds the presidency or all the cabinet portfolios for an undue length of time, there will be widespread dissatisfaction. Yet can any satisfactory provision be made to forestall this contingency? The powers of the executive branch, like those of the legislative, will depend upon the powers of the world state and need not be discussed at present.

The judicial branch of the government should be comparatively easy to organize, since the Hague Conventions have already laid the basis for an international tribunal. The constitution will doubtless define the jurisdiction, original and appellate, of the world courts, while the definition of such offenses as are not expressly defined in the constitution, and the provision of penalties for the same, will probably be left to the legislative body. It is a problem of interest, but not of great importance, whether procedure shall be agreed upon by the justices and developed by usage, or laid down by the legislature. The number and qualifications of the judges of the world courts, the method of their selection and their term of office, are also relatively simple problems, which will probably be solved according to judicial tradition. However, the functions and powers of the courts, and particularly their relations to the legislative authority, present complicated issues. Shall the courts have power, as in the United States, to declare acts of the federal legislature unconstitutional? Shall they have power to declare any act of a constituent state void because in conflict with the general constitution?

The first of these questions depends for its answer largely on the presence or absence of constitutional limitations upon the powers of the legislature and on the provisions for the

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amendment of the constitution. If there are no limitations upon the power of the legislature, and if it may amend the constitution freely, it follows that all its acts are constitutional. Even if limitations upon its powers are laid down, and the right of free amendment is at the same time left in its hands, it can evidently remove these limitations whenever it chooses, so that there will be no occasion for the courts to declare any of its acts unconstitutional. If, on the other hand, definite limitations are made, and if amendments must be ratified by the constituent units, then logically the courts of the world state, like those of the United States, not only will, but must, declare acts of the legislature unconstitutional when they conflict with these limitations, unless passed as amendments and ratified in the prescribed fashion. Whether acts of the legislature ought to be subject to judicial review, is really another phase of the problem of whether the world legislature should or should not be limited in its powers. If unlimited power can safely be bestowed upon the legislature, the courts will obviously have no power of review over its acts, but will be confined to the functions of interpreting and applying them. It is equally clear that if the constitution places limits upon legislative power which can be removed or altered only by some external authority, the courts will necessarily be forced to decide whether or not this power is exercised within such limits.[1]

It appears almost inevitable that the courts of the world state will have the power of delaring null and void any law or act of a constituent unit which conflicts with the provisions of the federal constitution or with the enactments of the world legislature. If this power is denied to the courts, there will be no way by which the units can be compelled to submit to the general authority. Yet it is very likely that the constituent national units will strongly object to the exercise of a jurisdiction which will conflict in so marked a fashion with the independent sovereignty to which they have long been accustomed. This objection will, of course, not be confined to the single point under

[1] This is the practice in the United States and in the British Dominions. The European countries, except Switzerland, do not require external ratification to constitutional amendments.

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discussion, but will be made whenever the proposed powers of the world state bid fair to interfere with any of the rights, privileges and prerogatives appertaining to the national state as it now exists.

The powers and functions of the world government must naturally go hand in hand. As Hamilton reminded the readers of *The Federalist*: "Every power ought to be commensurate with its object. . . . A Government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care, and to the complete execution of the trusts for which it is responsible."[1] Since the world state is to be organized with the primary object of preventing war among its members, its government must have the power to control adjudication of their disputes with one another and with the world government, and probably in several other cases, in order that the provision of adequate judicial remedies for all grievances may remove the danger of resort to arms. Jurists will probably agree that its power, to be effective, must reach the individual, by search, seizure and subpoena.

In order to enforce its laws and decisions, the world government must evidently possess an army and a navy superior to any force that could be brought against it, and must have the power to use them at its own discretion. This involves the power to raise, maintain and equip military and naval forces, which in turn implies the right to levy and collect taxes and to draft men into service when necessary. It may be very difficult to obtain general consent to these propositions, despite the lesson offered by the history of the American states under the Articles of Confederation. It will be much more difficult, however, to decide whether the constituent units shall or shall not be permitted to support individual armies and navies. If these are allowed for the purpose of defense, how shall defense be defined? On what basis shall the size of armies be regulated? If states are permitted to raise armies in proportion to population, those which secretly cherish militaristic ambitions might encourage a high birth-rate and discourage emigration, thus

[1] *The Federalist*, no. xxxi.

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enlarging their armies to a dangerous point, and at the same time bringing about the condition of overcrowding which has so often in the past led to desperate attempts at conquest. On the other hand, any attempt to establish armies of uniform size would be impracticable and absurd, partly because the units of membership would vary greatly in geographical extent and in population, no matter what endeavors were made to bring about approximate equality; partly because some small state, feeling equal to others in a military sense, for the first time in its history, might be tempted to undertake the conquest of the world, in the hope of becoming a second Macedonia. If no standing armies are permitted, and internal disorders are to be suppressed solely by police forces or militia, what measures can be taken to prevent certain nations from training these to a point where they would make an army fit to lead a rebellion? Would it be practicable to include all state police in the world army and train them to consider their allegiance due to the world state? It may be that before the proposed constitution can be adopted, it will be necessary to incorporate in it the most detailed specifications concerning the provision and employment of military force by the world government, in order to do away with all fear that the reins of power may fall into the hands of the army, or that the government may employ military force inequitably.

Another difficult problem, related to those which have just been suggested, is to determine whether the world government shall guarantee to assist the constituent states in suppressing domestic violence? Not to do so would open the way for internal disorders which might become dangerous to the safety of the world, for it is not inconceivable that another general may arise worthy to stand by the side of Caesar and Napoleon. But any guarantee of assistance in putting down rebellions of every sort would work great injustice to groups interested in political reform, and driven to desperate measures in order to secure it. To leave to the discretion of the world authorities whether or not they should interfere, would be to lay upon them the onerous, disagreeable and dangerous authority of taking sides in the political struggles of the states; yet this is per-

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haps the solution of the problem which will bring about the least injustice.

How much power over local affairs shall be given to the general government? What shall be the extent of its police power? How far shall it go in compelling the adoption everywhere of measures for the protection of health and safety, and guaranteeing the rights of person and property? Shall it guarantee a republican form of government everywhere, insure the rights of *habeas corpus* and trial by jury, and prohibit states from granting titles of nobility? The absurdity of this last question, an affirmative answer to which would presuppose a surprising degree of political enlightenment in "the islands of the sea" and certain barbarous territories, indicates a principle of limitation upon the powers of the general government—*i. e., every controversial matter not sufficiently important to be worthy of consideration as a cause of war ought, at least for the present, to be left to local units.*[1] There may be some question as to the legitimacy of the adjective "controversial," for many persons believe that the functions of the general government should be as few as possible, and that every matter, without exception, which can be left to states, should remain in their hands. The writers of this paper, however, believe that there are a number of functions which might be given to the world government solely for the sake of convenience, without making the states feel that they were in any measure deprived of their rights, and without involving an impracticable degree of interference with local affairs. Thus, the federal government might establish a system of coinage which would be legal tender everywhere, so doing away with the difficulties and costs of exchange, and a standard system of weights and measures, without forbidding states to use their own coins and their own weights and measures internally. Business in-

[1] "An imperial government . . . if it is not to suppress freedom and the democratic spirit . . . must confine itself practically to three things, namely: the imperial defence, the suppression of conflict between one part of the empire and another, and insistence that local administration shall come up to a certain standard in its protection of life and property, and in its respect for enlightenment." F. H. Giddings, Democracy and Empire, p. 11.

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terests everywhere would probably welcome the establishment of a general postal, cable, and telegraph service, which need not interfere in the least with communication facilities within the several states.[1]

The question of restrictions upon national states will open up a series of troublesome problems. Shall the states be permitted to make treaties or agreements of any kind with one another, or shall all their external relations be adjusted through the general government? The question of restrictions upon military and naval power has already been considered, but no satisfactory answer presents itself. What of the extremely embarrassing matter of control over migration? Shall any state be free to exclude citizens of another state? Probably many states would refuse to agree to a plan whereby their right to discriminate with regard to immigration would be removed or restricted; yet its exercise might easily lead to growing ill-feeling which would end in serious breaches of the peace. Shall the federal government place any commercial restrictions upon the states, relegating to itself control over tariffs and markets? Shall it open all trade-routes and commercial opportunities on equal terms to the entire world? Would the several states be willing to enter the world federation if restricted in their commercial enterprises? Some degree of control by the general government certainly appears to be imperative, as commercial rivalries and discriminations have long been recognized as a most fertile cause of war; but the extent to which such control is necessary or advisable is not easy to determine. Shall the federal government secure rights of investment and business in states alien to the investor and protect him against fraud?

What restrictions shall be placed upon states in regard to the rights of the individual? Shall states be prohibited from legal discrimination against citizens of other states? What of extra-territoriality? Shall special courts be established in states of lower grade for the benefit of citizens of more highly-developed nations? Would such an arrangement be generally practicable

[1] See J. A. Hobson, Towards International Government, pp. 116 and 117.

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or desirable? The extradition of persons indicted for crime from states into which they may have fled, and their rendition to the states where the crime is alleged to have been committed, will probably be required by the world constitution and regulated by the world legislature in order to remove the danger of quarrels which might arise among states if this matter were not placed under general control. The question of the proper means to be employed in enforcing extradition laws is interesting and not too easy, as is the problem whether a distinction should be made between political offenders and common criminals.

Probably the general government will control such matters of common interest as the quarantine of ships at all ports; but the extent of its restrictions upon states in regard to health, safety and general administration is a perplexing problem. The central guarantee of religious and political freedom, and of freedom of speech, press and assembly, will doubtless have strong advocates; but these matters will probably be left to local units, as it would be impossible to carry out such a guarantee in any locality whose general social development and enlightenment did not support it.

There is no doubt that the general government must control all possibilities of controversy which may lead to war; but at the same time, it should place as few restrictions on the constituent states as are consistent with this general aim, both in order to escape the burden of too many responsibilities and to prevent dissatisfaction among the states by allowing them to develop freely, each according to its own peculiar genius.[1]

The method of constitutional amendment will be the subject of much dispute. The ratification of proposed amendments by some authority outside the world legislature, such as the governments of each constituent state, would be an awkward and slow process, incapable of being used in an emergency; and, as we have already seen, it would give the courts power to declare acts of the legislature unconstitutional, thus endowing

[1] It would presumably be specifically stated in the constitution that the states should enjoy all rights not expressly delegated to the general government.

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the judicial branch of the government with enormous political control. On the other hand, to entrust the legislature alone with the right to amend the constitution, would seem to many persons to entail a dangerous concentration of unchecked power, leading directly to oligarchy.

Provision for the adoption of the proposed constitution is not the least intricate of the many problems involved in the stupendous task of creating a new earth. While doctrinaires may hold that its validity would depend entirely upon popular ratification, all who are willing to look facts in the face will realize the impossibility of securing universal popular acceptance of a scheme so vast and intricate that only persons trained in the theory and practice of politics can fully comprehend it and its implications. It is necessary to grasp the fact that many states must be forced into the federation against their will, and others included whose inhabitants know too little of public affairs to have any will in the matter. "But this is not democracy," many people will object. No, it is not; it is simply an essential step toward a world order in which democracy can develop. Theorizing that demands universal consent to the plan for a world state must yield to considerations of the immediate and the ultimate welfare of mankind.[1]

Since universal popular consent to the new world order cannot be obtained, what method of ratifying the plan shall be adopted? Ratification by the popular branch of the chief legislative authority in each state would be an excellent method, satisfying the requirements of democracy, were it not for the fact

[1] "If a barbarian people is compelled to accept the authority of a state more advanced in civilization, the test of the rightfulness or wrongfulness of this imposition of authority is to be found not at all in any assent or resistance at the moment when the government begins, but only in the *degree of probability* that, after full experience of what the government can do to raise the subject population to a higher plane of life, *a free and rational consent will be given* by those who have come to understand all that has been done. So, too, of the coercion of a rebellious state: on grounds of ethical theory only, leaving aside all questions of expediency and survival of the fit, the test is found in the ultimate approval of those who have at first, against their will, been compelled to perpetuate relations which they would have dissolved. If, in later years, they see and admit that the perpetuation of the disputed relations was for their highest interest, it may reasonably be held that authority has been imposed with the consent of the governed." F. H. Giddings, Democracy and Empire, pp. 265, 266.

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that only the more advanced nations have such an institution. Ratification in each state by the governmental authorities which ordinarily hold responsibility for foreign relations would provide for the formal consent of many nations, but would hardly cover the case of Russia, or of any other state in which authority happened to be disputed; nor would it provide for territories inhabited by savages. Moreover, it would be open to the objection of being undemocratic. It is, nevertheless, the system which will probably be adopted, for it is at least feasible, and the pragmatic sanction of any social philosophy is extremely important when things are to be actually accomplished. It is likely that the constitution will specify the number of powers whose consent will be necessary in order to make the scheme of an international federation effective, and will provide that all others shall be *ipso facto* members. After all, it matters very little in what manner the world state is brought into being; for its services in securing peace, safety and opportunities of enlightenment will in the long run help the cause of democracy far more than it could be injured by a momentary exercise in some constituent unit of autocratic power employed for the purpose of creating an international federation.

3. *Difficulty of Securing the Adoption of a Plan*

We have already noted the fact that some of the more autocratic states must ultimately be forced to join the federation; but even the most democratic will hesitate before entering a system which would deprive them of some of the privileges long cherished as essential attributes of sovereignty, such as the right to declare war and to make treaties of every sort with foreign powers. It is very likely that for a long time to come public opinion will demand some less drastic scheme than that of genuine federation; and it is quite possible that before such a union is actually formed, leagues, alliances and treaties assuring concerted action will be tried and found wanting. Even though the scheme can be neither accepted nor rejected by popular vote, nevertheless, in all the more enlightened countries, public opinion will be of immense weight in guiding the authorities; and it will be a colossal undertaking to educate

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public opinion to the point of realizing how greatly the advantages of federation would outweigh the disadvantages of the limitations placed upon national sovereignty.

It is needless to say that there will be wide-spread opposition to any plan of federation on the part of all who profit by the present régime and stand to lose in any way by the establishment of a new world order. Autocratic powers, military castes whose prestige and prerogatives depend upon the possibility of war and special interests whose privileges and concessions might be curtailed under the control of the general government are among the forces that will use their utmost efforts to prevent the establishment of world federation. Their endeavors will be skilful, concealing selfish motives under appeals to the narrowest type of pseudo-patriotism and to racial prejudices, instilling fears lest the new order prove to be a monstrous tyranny, whispering to the workingman vague threats of a stern repression of labor organizations. They will be supplemented and assisted in their efforts by the social philosophers who believe that war is a biological and psychological necessity, working for the good of the human race, and by the statesmen who hold all thought of world organization to be essentially impracticable and chimerical.

With kings, "Junkers," statesmen and philosophers arrayed against it, with capital opposing it and labor taught to fear it, what hope of adoption has any plan of federation, no matter how reasonable and how skilfully drawn? Its hope lies in that which is stronger than any group or any class—intelligent public opinion. The great majority of social and political philosophers are, fortunately, opposed to the Nietzschean school; and the world possesses statesmen with courage and vision, public-spirited business men, and laborers who cannot be easily misled. These must meet the propaganda of the opposing forces with clear, full and exact demonstration of the need and the value of world federation. This, and this only, can bring it about.

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4. *Difficulty of Operating a World Government Successfully*

The difficulty of safeguarding the world state in order that it may operate successfully must not be minimized. If it is to function properly, it must undertake the onerous task of analyzing and guarding against those disruptive forces by which it will constantly be threatened.

Political forces will work against the world state for decades, possibly for generations. Particularistic national ambitions will not die instantly; and for a long time to come some one or other of the constituent nations may cherish the dream of wresting power from the federal government and making itself another Rome. Even where states are too highly developed to cultivate such an ambition, jealousies and rivalries of various kinds will tempt them to war, perhaps with one another, perhaps, after the fashion of the Confederate States in our own country, with the general government whose yoke may seem too heavy.

Racial forces will be one of the greatest dangers to the world state. No matter what attitude it takes upon questions of migration, some races will feel aggrieved. If this feeling is left to develop unchecked, mankind may yet see a tremendous struggle of race against race, in which the federation would be dissolved, and the world made the property of that race which should prove victorious in the contest. If race is not to be the rock upon which the federation will founder, a great campaign of enlightenment, a universal education in mutual respect, forbearance and tolerance must be carried on. The race question is a complicated one, involving not merely biological kinship, but religious and cultural qualities[1] such as have been strong factors in bringing about many of the most terrible wars in history. It is not possible to prophesy the extent to which education may succeed in lessening race prejudice and bring-

[1] One cultural point which has frequently led to difficulties is that of language. It is not beyond the range of possibilities that the rest of the world might develop an intense jealousy of the English-speaking peoples, with a determination to prevent them from controlling the general government; and that this might lead to a widespread struggle.

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ing about understanding and fellowship; but certainly the world is unsafe unless these ends are at least approximated.

Economic forces may disrupt the world state unless some measure of social justice can be reached, which will insure a high standard of living everywhere and do away with the conflict of interests that now threatens to develop into a bitter struggle between a world-wide organization of capital and a world-wide organization of labor. Whatever our individual economic interests and prejudices may be, we must all be willing to work toward an economic system which will remove just cause for unrest and discontent, unless we are ready to face the frightful alternative. It is not only the interests of capital and of labor which must be reconciled, colossal though that task may be. The interests of every state throughout the world must be regarded and protected by the world organization, in order that none shall feel driven to revolt in order to save itself from ruin.

The most difficult of all economic problems is that caused by the pressure of increasing population upon the food supply. Malthus demonstrated long ago the fatal certainty with which this condition leads to misery and war; and no amount of argument has been able to overthrow his fundamental contention. No political organization can prevent a population which has outgrown its boundaries and is unable to secure an adequate supply of food either by agriculture or manufacture and exchange, from making a desperate attempt to better its condition by force. Indeed, one of the principal means used by the German authorities to gain popular support in the recent war was the argument that the population of Germany was in that condition. While this was far from being true, the intense enthusiasm for war which it aroused is an instructive example of the effect produced on a people by fears for its economic welfare, and of the relation between a too rapidly increasing population and the chances of war. Overcrowding of the world is the gravest danger which menaces the peace of the future, and the most difficult to guard against, especially since many publicists believe and teach that no nation is biologically or sociologically sound unless its population is rapidly increasing. The

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apparent necessity of a campaign to increase population in any state will be greatly lessened, even in the eyes of those who have hitherto urged it, by the decreased probability of war attendant upon the establishment of an international federation. Thus under the new order it will not seem essential to any nation to work against the interests of the world at large, by unduly increasing its population in order to be prepared for possible war with other nations, which in turn feel themselves compelled to adopt the same policy. So long as war is probable, each nation is impelled to build up its numbers not only for purposes of defense but also by the assumption that the inevitable scarcity of sustenance will be relieved through its ability to exterminate its rivals, who would assuredly exterminate it were it not more powerful than they. When the world state is created, however, such an assumption becomes untenable, and the problem of population may and must be faced with a view to the interests of mankind as a whole, rather than to the military power of any particular nation.

A discussion of the question of population in a paper devoted to world organization may appear irrelevant, but the writers believe that this problem must be considered in all its aspects, and a rational policy adopted in regard to it, if the world state is to be more than an ephemeral attempt to accomplish the impossible. "Certainly the pressure of population, which Plato regarded as the first cause of soldiers, war, and conquest, and which today is at least one of the causes of rivalry for markets, colonies, and power, must receive the most serious sort of study by those who hope to see a real impetus toward international peace resultant upon the recent European struggle."[1] The greatest of all the menaces which threaten the permanence of any world federation is an increase of population beyond the earth's capacity for sustaining it, which may ultimately compel the attack of group upon group for the sake of self-preservation. Those who desire to create and preserve a world state must act upon this truth.

[1] A. B. Wolfe, Readings in Social Problems, p. 2.

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Conclusion

Since the difficulties confronting those who endeavor to organize and to establish a federation of the world are so colossal, and the problems to be solved so intricate, is there any reasonable hope that such a federation can possibly be brought about? The writers feel that it is not unduly optimistic to indulge this hope, for it is based upon the strong foundation of belief in the need of the world state. Under the pressure of necessity and the primary impulse of self-preservation, man has repeatedly solved problems which have seemed insoluble and overcome obstacles which have appeared insurmountable; and this immense motive force may be trusted to lead to the accomplishment of the new and enormous task of world organization. It does not follow, however, that this result will be brought about immediately. The world state will not be born of wishing, and the undue faith in its imminent creation on the part of those who desire it may do more to hinder it than all its enemies could accomplish, were its friends less trustful and more active. Only patience, determined effort and prolonged and systematic education can bring it about. It may well be that we of this generation shall not live to see it, for the tendency is still strong to place a narrow nationalistic pseudo-patriotism, which refuses to surrender any attribute of sovereignty now exercised by the individual state, above the welfare of the world, and to insist on the use of some method of keeping the peace other than the only practicable one, world federation. It may be that the lessons of history are not sufficient for us, that the story of our own need of national federation will not carry home its moral, that our experience of the way in which a treaty becomes a "scrap of paper" when one party refuses to be bound by it, will not suffice to teach us the need of a power which can compel the fulfilment of obligations. It is very likely that those of us whose expectation of life covers the next quarter-century will see the failure of a mere league of nations to prevent some member from breaking its promises, if it believes that it can profit by so doing. Perhaps only repeated experiences of this kind can teach the world the truths that

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Hamilton stated so clearly a century and a third ago when, in a paper of remarkable power, he warned his countrymen against placing themselves in the "perilous position" of entrusting their future peace and welfare to a mere league or alliance between the states then composing the Confederation. Referring to the "epidemical rage in Europe for this species of compact, from which the politicians of the times fondly hoped for benefits which were never realized," and to the "afflicting lesson" which the the collapse of such attempts had given to mankind, he urged the states to "adhere to the design of a national government, or . . . of a superintending power, under the direction of a common council," thus incorporating in their plan "those ingredients which may be considered as forming the characteristic difference between a league and a government." He advocated this as the only means of escape from the evils resulting from the league then existing, called the Articles of Confederation, under which, he declared, "Each state, yielding to the persuasive voice of immediate interest or convenience, has successively withdrawn its support, till the frail and tottering edifice seems ready to fall upon our heads, and to crush us beneath its ruins."[1]

It is not improbable that the world state will not be formed until repeated failures of all other schemes for preserving international peace have made its necessity apparent to the most medieval-minded state. But how much suffering could be spared, how much destruction guarded against, how much loss to civilization prevented, if the arguments for world union could be presented clearly to the masses everywhere, so that a public opinion might be formed which would not merely tolerate the establishment of an international federation, but which would insist upon it. It is the duty of all who perceive the vital importance of such a federation to engage actively in the work of educating the public to a realization of its value and to a knowledge of the perplexing conditions and complicated problems which must be met before an international government can be created. This work, if adequately carried out, will do away with the danger that world federation may not be attempted because

[1] *The Federalist*, no. xvi.

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its value and necessity are not realized, and with the equal danger that undue optimism concerning its immediate establishment may be followed by a reaction of disappointment and loss of faith in its practicability, when difficulties and obstacles are encountered. The task of creating a new world order is an onerous one, requiring every iota of knowledge, skill, devotion, determination and patience which mankind can bring to it. But it is a task which must be performed, for to fail in it will be to expose civilization to overthrow at the hands of ruthless force, while to succeed will be to free the tremendous stores of energy which have hitherto been consumed in mutual destruction for use in building up a higher type of human society than has ever yet been known.

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PRICE FIXING IN THE UNITED STATES DURING THE WAR I

IN discussing price fixing it is necessary to define the subject, since there are various methods of controlling prices, some of them far removed from the popular notion of what is involved in the operation. As used in this and a subsequent article, the term "price fixing" includes any regulation of price effected directly or indirectly by government agency. More specifically, the discussion will be confined to the control of prices in which some agency of the government having power to enforce its decision, determines, or sanctions the determination of, a price by some process other than that of free bargain between buyer and seller. This definition is intended to cover both price agreements made between buyer and seller with the sanction of a government agency and prices established by some branch of government for its own requirements. In the latter case the arrangement would commonly be in the nature of an ordinary contract between buyer and seller; but when the purchase is made with a threat to commandeer, and the price is named by the branch of government directly or indirectly concerned, that price may be said to be fixed.

Such a definition gives a broad scope to the field of the inquiry. It will be admitted by all who are conversant with the facts that the whole history of price fixing in the United States during the period of the war will never be known. The price-fixing agencies were in fact so numerous, and the arrangements made were so often informal, that an exhaustive treatment of the subject would be well-nigh impossible. Moreover, many prices were controlled indirectly, and when this control was to any degree intentional, the result may be properly termed a fixed price. Nevertheless, material is available for a study of a great part of the price-fixing activities of the government, and even where such is not the case, the writer's first-hand knowledge enables him to speak with some authority concerning methods and results.

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In this article price fixing in the United States during the war will be discussed under three general heads: (1) scope and period; (2) agencies and their powers; (3) methods. The subject will be continued in a subsequent paper which will consider the purposes and results of the policy and undertake a critical appraisal of it.

1. *Scope and Period*

In what follows, attention will be confined chiefly to the formal price fixing which was carried on by such agencies of the government as the War Industries Board and the Food and Fuel Administrations. Prices were more or less formally fixed by various departments or branches of the United States Government for at least 110 important products, each of which required a separate price-fixing operation.[1] This was exclusive of

[1] The following is a partial list of products for which prices were fixed by some government agency or sanction. They are arranged with some idea of the order in which the prices were fixed, although no pretense to accuracy in this regard is claimed.

Coal, bituminous.
Coal, semi-bituminous.
Coal, anthracite.
Coke.
Copper, ingot, electrolytic.
Copper wire.
Iron ore.
Pig iron.
Steel plates.
Steel structural.
Wheat.
Ship timbers.
Pine, yellow.
Steel billets.
Sugar.
Sardines.
Bar iron.
Pipe, cast iron.
Steel rails.
Nickel.
Tin plate.
Wire, barbed, galvanized.
Wire, plain, annealed.
Ammonia.
Douglas fir.
Ammonium sulphate.
Alcohol, wood.
Acetic acid.
Nitrate of soda.
Zinc, grade "A."
Zinc, sheets and plates.
Binder twine.
Castor beans.
Castor oil.
Aluminum.
Molasses (imported.)
Manila fibre.
Retail lumber (eastern cities.)
Platinum.
Hemlock.
Pine, white.
Spruce, eastern.
Paper, newsprint.
Manganese ore.
Sashes and doors.
Linters (munition.)
Quebracho extract.
Cement, Portland.
Sulphur.
Hides.

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repetitions or renewals at later periods which often involved as much work and study as the original decisions. More than 30 of the products, however, were duplications in the sense that they represented merely different grades of some of the other eighty or more commodities, *e. g.*, the different grades of wheat and iron.

Metals and metal products furnished the widest field for price fixing. The Price Section of the War Industries Board reports nineteen metals and metal products under the head of "controlled commodities." Several cases of price fixing in the metals group were not covered by this report, but, on the other hand, the figures of the War Industries Board include separate enumeration of the various grades of pig iron and steel products, and the additions and subtractions to be made seem to balance one another, leaving the number of metal price fixings approximately as reported. The other groups of commodities which appeared most frequently in price fixing were cloths and clothing, building materials, including lumber, foods, farm products, drugs and chemicals and fuels. Prices were fixed for all the chief basic materials of industry, except petroleum and raw

Note—Continued:

Rubber.
Wool.
Acetate of lime.
Quicksilver.
Iridium.
Hogs.
Leather, harness.
Prunes, California.
Raisins, California.
Sulphuric acid.
Nitric acid.
Cotton linters.
Cotton goods.
Cotton yarns.
Denims, Mass.
Drillings, Mass.
Ginghams, Amoskeag.
Print cloths.
Sheetings, bleached.
Sheetings, brown.
Hemp.
Tickings, Amoskeag.
Flour, wheat.
Rice.
Building tile.
Crushed stone.
Sand and gravel
Lead.
Charcoal.
Leather, sole.
Glycerine, (dynamite.)
Cottonseed meal.
Cottonseed oil.
Wool grease.
Burlap.
Tin, pig.
Tree nails.
Locust.
Cotton compress rates.
Birch logs.
Brick, common.
Wallboard.
Food products (canned vegetables *etc.*)

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cotton, and also for a group of the more important manufactured products.

In general, it may be said that prices were fixed for three chief classes of commodities: (1) basic raw materials and fuels, such as iron ore, copper, lumber, sulphuric acid and coal; (2) munitions of war, such as sulphuric acid, grade "A" zinc, platinum and cotton linters; (3) general consumption necessaries, such as coal, sugar, flour and raisins. The basic raw materials and fuel affect all classes of commodities, including munitions and direct consumption goods; and the consumption necessaries are also essential to the maintenance of an army. Nevertheless, each of the three classes has its separate significance, and the classification throws light on the purposes of price fixing. The prices that were first formally fixed by the government fall chiefly in the basic raw materials group. A more shortsighted policy might have begun by regulating prices of articles required by the army and the navy and those which figure most conspicuously in public consumption.

While in most cases it was the price of a unit of commodity that was fixed, in others it was the rate to be charged for a service. For example, in the latter part of 1918, at the request of the Railroad Administration, the War Industries Board fixed the rate for cotton compressing. This rate has been virtually part of the railway rate, cotton often being compressed in transit. In such cases, the price is like a "rate," in that it is not based on specific cost, and is a charge made for a service rendered in necessary connection with the plant. Similarly the margins of cotton ginners and retail lumber yards were regulated, and in the latter case charges for milling and delivery were segregated. As is well known, the charges of various middlemen and dealers in food and coal were fixed.

An examination of the list of commodities whose prices were fixed shows that articles which may be classed as exclusively luxuries, are not included. Some of those listed, as, for example, platinum, raisins, leather and alcohol, may be subject to luxurious consumption; but in price fixing they were not regarded as falling within the category of luxuries.

It is of some interest, moreover, to note that in several in-

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stances the commodity listed was either localized in production or centralized in control, notably in the cases of aluminum, nickel, anthracite coal and copper. In others, however, neither condition existed, as in the case of lumber, wheat, hollow building tile and canned foods.

The fraction of the total market for a given commodity affected by a price-fixing order varied widely, ranging from a relatively small part represented by purchases by a single department of the government to practically the entire world market. In some cases, prices were fixed for the United States Government alone, *e. g.*, nickel, quicksilver, sulphuric acid, cement, New England spruce and other lumber. In others the prices were fixed for the government and made available to the public in a contingent way, as, for example, in the case of hemlock lumber, where it was provided that any quantity of the commodity which, in the judgment of the lumber director of the War Industries Board, could be released for the commercial market, might be sold to the public, subject to the maximum price fixed for the government. In still other cases, purchases by the allied governments, for example, copper and raw sugar, were included in the scope of price fixing for the United States Government; and in still others, the railways of the United States were specifically mentioned, even when the price did not apply to the public. Prices were sometimes fixed for single branches of the government, as in the case of oil products for the navy and cow-hide splits for the quartermaster's corps of the army. Prices were even fixed by the United States Government to apply to purchases by the allied governments only, as was the case with fuel oil, gasoline and kerosene.

The President, however, early took a firm stand for the principle that prices charged by producers to the public and to the government should be uniform, and, with the exception of prices on certain purchases made by government departments, rapid progress was made during 1918 toward carrying out this policy. Thus the prices on pine, fir lumber and cement, which at first applied only to direct government purchases, were extended to the public. Political motives coupled with a legitimate

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desire to allay social unrest doubtless played a part in this extension. Aside from such motives, however, it proved to be highly important as a practical matter that prices under similar conditions of purchase should be the same to all. The existence in the commercial market of prices that were higher than those paid for government purchases made it difficult for the government to secure prompt deliveries. Moreover, such a situation often defeated the purpose of price fixing, for the reason that large purchases might be made by private concerns which were producing more or less directly for the government. Naturally, it was found much simpler to fix prices for government purchases only; and such a limited policy was preferred by several important industries, partly, no doubt, because they were thus enabled to reap large profits on sales in the commercial market. In cases where the price-fixing policy was extended to the public, it was sometimes found necessary to increase prices. The whole situation in this respect was specially complicated when the government purchases were confined to certain grades of a group of products which were produced jointly with other grades that were purchased largely by the public. In such cases, the government price might be, and sometimes was, fixed on a relatively low level, and the price to the public for joint products put high enough to allow the producer a large profit.

When the government took all, or almost all, of a given product, the price fixed was, of course, practically for the government only, whether it was so stated or not. But companies were often averse to making specially low prices to the government, on the ground that such prices would cause dissatisfaction in their trade.

The period of price fixing began about the middle of 1917, and came to a nearly complete standstill with the signing of the armistice. Among the earliest commodities to be affected by the price-fixing activities of the government were coal, wheat, lumber, sugar and canned foods. Lumber prices for the government alone were fixed by arrangement with the Council of National Defense on June 18, 1917, and approved by the Secretary of War; coal prices for the navy were fixed on June 19,

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1917. The Lever Act of August 10, 1917, set a minimum price on the wheat crop of 1918. Bituminous coal prices at the mine were fixed by executive order on August 21, 1917. Nine days later came the President's announcement of a $2.20 basic price on wheat "to be paid in government purchases." The price of copper was fixed in September.

Immediately upon the signing of the armistice, the War Industries Board began to make preparations for disbanding, although it was arranged that the Price Fixing Committee should continue a rather nominal existence until March 1, 1919. Relatively few prices have been fixed since November, 1918, although those fixed prior to that time extended well over into 1919. Prices, as fixed, were allowed to expire in spite of the fact that in several important cases the representatives of the industry concerned asked that the existing price be continued. On December 11, 1918, the War Industries Board issued a statement to the effect that since it would cease to function after January 1, 1919, no new price agreements would be entered into by the Price Fixing Committee, and that all prices theretofore fixed would be allowed to expire by limitation. Several commodities, the costs of which had not been immediately ascertainable, had been consumed in large quantities by the government at prices subject to later determination. For example, during the latter part of January and the early part of February, 1919, the Price Fixing Committee of the War Industries Board fixed prices on common brick and on wall board. Inasmuch as the Food and Fuel Administrations depend for their powers upon the Act of August 10, which applies "during the war," they have continued to function down to this date (January 23).

2. *Agencies and Their Powers*

Of the various agencies through which prices were fixed the following are without doubt the more important: the Congress of the United States which by direct legislation fixed a minimum price on wheat; the President of the United States, acting under authority granted by Congress, who fixed prices for coal and wheat; the War Industries Board, created by the Presi-

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dent under authority from Congress, which, through its Price Fixing Committee, fixed numerous prices from September, 1917, through November, 1918;[1] the United States Food Administration which fixed prices of hogs, meat, flour, sugar, binder twine *etc.;* local food administrators and sub-agencies, such as the Sugar Equalization Board and the United States Food Administration Grain Corporation which fixed many prices; the United States Fuel Administration which fixed prices of coal, coke *etc.;* the War Trade Board which fixed prices of rubber, quebracho extract and manila fibre; the Federal Trade Commission which fixed the price of newsprint paper; the Emergency Fleet Corporation of the United States Shipping Board which fixed the price of ship timbers and locust tree nails; the United States Shipping Board which fixed ocean freight rates; the International Nitrate Executive Committee which fixed the price of nitrate of soda; the Food Purchase Board which fixed prices on canned foods *etc.*, for the army and navy; various army and navy departments which fixed prices of gasoline and fuel oil, zinc oxide, automatic sprinklers, sashes and doors, castor oil *etc.;* the Appraisal Boards of the army and navy which fixed prices in cases of dissent from prices named in commandeer orders; and the United States Railroad Administration which took steps to fix reasonable prices on locomotives and cars.

The War Industries Board dealt with prices through its Price Fixing Committee, which consisted of a chairman, appointed by the President, and representatives of the army, the navy, the Federal Trade Commission, the Department of Labor and the Tariff Commission. The Fuel Administrator occasionally sat with the committee as actually constituted. The International Nitrate Executive Committee, on which the United States was represented, sat in London and determined a uniform monthly price to be paid to importers of nitrate of soda into the allied nations, and a sub-committee in New York, on which there was a representative of the War Industries Board, super-

[1] In January and February, 1919, several cases of price fixing for commodities bought at tentative prices were pending cost determination.

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vised the distribution of the product within the United States. The Food Purchase Board was created to centralize purchasing for the army and the navy and consisted of representatives of the army, the navy, the Federal Trade Commission and the Food Administration.

In addition to the foregoing agencies, it is to be noted that in granting licenses to use enemy-owned or controlled patents, the Federal Trade Commission reserved the right to fix prices on the articles manufactured. The Department of Agriculture has also functioned materially in connection with prices fixed for certain commodities. For example, in determining the basic price of hogs, the agreement was made by a committee composed of representatives of the Food Administration, the Department of Agriculture and representatives of the industry. The Department of Agriculture has also functioned in connection with the sale of nitrates to the farmers, purchasing nitrate of soda and selling it "at cost."

It can hardly be said, however, that this department actually fixed any price. As time went on, a tendency toward greater uniformity and centralization of procedure developed within the price-fixing mechanism. This tendency is to be discerned in the increasing amount of work thrown upon the War Industries Board and the Federal Trade Commission, the former naming a price based largely upon the cost findings of the latter. For example, toward the end of 1918, the division of the army which dealt with aeroplanes brought before the War Industries Board the question of determining a price on mahogany for aeroplane propellers, and on birch for aeroplane bodies. The signing of the armistice prevented action by the board, except in the case of birch logs. Other illustrations of the tendency appear from the fact that the War Industries Board fixed the price of locust tree nails for the Shipping Board and the rate for compressing cotton for the Railroad Administration. It would be incorrect, however, to give the impression that centralization and uniformity in price fixing became the rule; in the writer's opinion, the tendency referred to was most effective when the branch of the government making the purchase ran into difficulties.

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Within the War Industries Board there was what may be called a hierarchy in price fixing. With few exceptions, each case passed through a preliminary stage in the hands of the chief of that division of the War Industries Board which was concerned with the commodity in question, and he conducted preliminary negotiations with representatives of the industry. In some cases, his findings were carefully reviewed by the Price Fixing Committee, while in others this did not seem necessary, and the division chief virtually named the price. As will be noted, in some of the less important price-fixing arrangements, the Price Fixing Committee announced the price without the formal sanction of the President; and in a few cases, at least, it delegated price fixing to a sub-committee.

In initiating price fixing no systematic plan was followed and prices were at first fixed sporadically. Various governmental powers were resorted to and were applied by numerous agencies using diverse means for carrying out the decisions or agreements which they reached. In some cases, prices were fixed under special authority, conveyed directly by act of Congress, and limited by the provision of such act to specified commodities. Thus by Section 14 of the Act of Congress of August 10, 1917, already referred to, the President was empowered to fix "a reasonable guaranteed price for wheat." Accordingly on August 30, the President, acting upon the recommendation of a committee appointed by himself, promulgated a price of $2.20 per bushel for no. 1 northern spring wheat at Chicago.

The same law, commonly known as the Lever Act, authorized and empowered the President to license importers, producers, or distributors of "any necessaries, in order to carry into effect any of the purposes of this act;" and if he found unreasonable any storage charges, commissions, or profits, to revoke licenses and make findings as to reasonable profits *etc.* Section 10 of the act authorized him to requisition necessary foods, feeds, fuels and other supplies. Section 11 gave him power to purchase and sell at reasonable cash prices wheat, flour, meal, beans and potatoes.

The power under this act ran to the President, and the Fuel Administrator and Food Administrator acted under "executive

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orders." Thus an order of the Fuel Administration begins as follows:

> The United States Fuel Administrator, acting under authority of an Executive Order of the President of the United States, dated August 23, 1917, appointing said Administrator, and of subsequent orders, and in furtherance of the purposes of said orders and of the Act of Congress therein referred to and approved August 10, 1917, hereby orders and directs.

On the other hand, the War Industries Board acted under less specific authority proceeding from the general war powers of the President. Thus, the prices fixed on steel, copper, lumber, and other commodities by the Price Fixing Committee of the War Industries Board were in theory approved by the President before being publicly announced. In some cases, however, such as retail lumber prices in certain eastern cities, the prices were announced without formal approval by the President.

The means of enforcing prices when "fixed," whether determined by the price-fixing agencies or reached by agreement with the producers, were various, ranging from appeals to the patriotism of the trade to commandeering orders. In most cases, there was in the background the possibility of the government's taking over the industry; and in not a few, the army or navy commandeered plants or stocks of merchandise. In such cases, a price was named which was subject to adjudication, first by the Board of Appraisers and then, upon appeal, by the courts. On December 24, 1917, all wood chemicals (acetic acid, alcohol *etc.*) were commandeered for a period of six months and later the commandeering order was extended to cover the second half of 1918. In connection with this extension, the following notice was given: "The same prices as above are awarded by the Board of Appraisers, but dissent has been made by several of the manufacturers, and an investigation is now being made by the Federal Trade Commission as to the advisability of changing this award." In this case, therefore, the prices of commandeered articles, after being approved by the Board of Appraisers, were made tentative, subject to adjustment on the basis of subsequent cost findings.

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Apart from purchases on army or navy account, however, price fixing was effected chiefly by "licenses" and control of "priorities." The Food Administration and the Fuel Administration, under the Act of August 10, 1917, put in force extensive systems of licensing, under which unlicensed producers and distributors were not allowed to engage in business, and licenses were revoked, if the regulations of the administrations were disobeyed. The War Trade Board also licensed importers of certain articles on condition that the prices which it fixed should be observed.

The administration of priorities proved to be a major element in the price-fixing program, and involved so many important questions that it would take an article of the length of the present paper to do the subject justice. Toward the end of 1917, a priorities division was established within the War Industries Board and a priorities commissioner placed at its head. Representatives of the Fuel Administration, the Railroad Administration and the United States Shipping Board were placed upon the committee. The War Trade Board, the Food Administration, and the army and navy were also represented. The Price Fixing Committee of the War Industries Board and the Priorities Committee worked in harmony. This was of the utmost importance, as it made possible a substantial degree of unity of policy among the different government purchasing departments; and through the power of the Priorities Committee over fuel and transportation pressure could be brought to bear upon a recalcitrant business concern for the purpose of compelling it to adhere to fixed prices. The Priorities Committee undertook whenever necessary to administer priorities in the production of all raw materials and finished products, save food, feeds and fuels. The distribution of fuel was, of course, under the supervision of the Fuel Administrator, and transportation service under the United States Railroad Administration, but the Fuel and Railroad Administrators were guided largely by the "preference list" issued by the Priorities Committee and by the recommendations of the division chiefs of the War Industries Board, and on the whole came to work in close relation to the general policy for which the committee stood. To sum

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up, the Priorities Committee exercised a general function of adjusting production to the needs of the nation at war by allocating the limited supplies of fuel and basic raw materials, and its powers were sometimes used as a club to reinforce the authority of the Price Fixing Committee in particular cases.

This phase of the matter is so important that a concrete illustration is worth while. During 1918, it was decided that the production of the cement industry should be reduced and the amount of the reduction was placed at 25 per cent of the average shipments for the three preceding years. The Director of the Building Materials Division of the War Industries Board was the person immediately responsible for making these arrangements. On his approval the Fuel Administration applied the cut by limiting the quantity of fuel. As coal is an unusually large factor in the manufacture of cement, this was very effective. It should be noted that the Fuel Administration in such cases had nothing to do with deciding as to the priority, but that the matter rested with the War Industries Board.

The Army and Navy Appraisal Boards were called in to pass on prices in the case of commandeer orders issued for the requirements of those departments. When a commandeer order was to be issued, the practice developed of having the chief in charge of that division of the War Industries Board which dealt with that commodity approve the order in which the price was named. If, as was frequently the case, the companies producing the commodity were not satisfied with the price, the matter was brought before the Appraisal Board and a hearing was given. At this hearing, the representative of the War Industries Board testified, and, in some cases, costs secured by the Federal Trade Commission were presented in evidence. Appeal might be taken from the Appraisal Board to a superior board, and thence to the courts.

It is important to observe that members of both the Army and Navy Appraisal Boards sat on the Price Fixing Committee of the War Industries Board. To put the matter in another way, those members of the Price Fixing Committee who represented the army and navy were also members of the appraisal boards of these two departments.

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It is apparent, therefore, that as finally worked out, the price-fixing machinery of the various government departments was nicely coordinated through a system of interlocking representation on the Price Fixing Committee, the Appraisal Boards and the Priorities Committee. Furthermore, the Fuel and Railroad Administrations were included in the community of interest.

Both by the War Industries Board and by other agencies, price fixing was often conducted under the guise of voluntary agreement. In the case of munition linters, the price-fixing announcement even goes so far as to say:

> It must be understood that the prices named are not obligatory or by authority of the War Industries Board, but are, in the opinion of the representatives of the United States Bureau of Markets and the Cotton and Cotton Producing Section of the War Industries Board acting as a Committee, fair and just prices that should be paid.

The announcement goes on to state, however, that in the event of failure to agree, the Ordnance Department may commandeer the linters, thus giving to the owners the opportunity to establish the actual value.

In some instances the government enjoyed a buyer's monopoly. When such was the case it could fix the price at any point which, in the producer's mind, would be high enough to be better than no price.

It goes without saying that no discussion of the power to fix prices would be complete without a reference to the part played by patriotism. While there can be no doubt that in the minds of business men in general, profits stimulated patriotism, yet a feeling of loyalty to the nation, or some substitute therefor, made possible much that would be difficult or impossible in times of peace. Publicity was made more effective; and not infrequently complaints and information came to the War Industries Board and other branches of government from patriotic third parties. The patriotism of possible purchasers helped to defeat the activities of such producers as were willing to sell their products to commercial buyers at higher prices than those fixed. Patriotism also secured a cooperation and service on the part of the

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various industries that were essential to the success of the price-fixing program.

As already indicated, the progressive unification of government activities which took place during the war contributed to the effectiveness of the program. In the earlier days of the war, when the army and navy, the Shipping Board and other departments and agencies were bidding against one another on the markets, it was extremely difficult to secure price-fixing results.

Much might be written concerning the different degrees of compulsion that were used in connection with the different agencies and their powers. Suffice it to say that the compulsion used ranged all the way from actual commandeer orders through the revocation of licenses by Fuel and Food Administrations down to a bare and sometimes informal sanction of agreements entered into voluntarily between private parties.

3. *Methods*

In the United States there was little background or precedent for a program of price fixing. The Navy Department had a notably efficient organization for purchasing what it required at reasonable prices, and the army had a similar organization. But to deal with the broader problems involved in regulating prices to the public and to the government as a whole, there was no established political machinery or policy. As the scope of price fixing was extended, the methods were naturally somewhat improved; but it is unfortunate that there were not definitely formulated at the outset some general principles which could have been consistently applied by such agencies as the War Industries Board. As usual in this country, we went ahead in a hand-to-mouth fashion, building up precedents as we went. On the whole, it may be said that no definite policy was ever established with regard to the essential bases of price fixing.

Various methods were tried. In the first place, prices were fixed both directly and indirectly. As a rule, each commodity, the price of which it was desired to fix, was taken up directly and a specific price made for its purchase; but in some cases reliance was placed upon indirect control of the price of one commodity through direct control of the price of another. For

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example, the cases of glycerine and zinc spelter may be cited. The price of dynamite glycerine was specifically fixed, and in connection therewith it was recognized that the price of crude glycerine would be controlled. "It is assumed," runs the order which fixed the price of the former, "that the price of crude glycerine may be stabilized by market conditions to a basis conforming to the prices specified for dynamite glycerine." In connection with the price of grade "A" zinc which was specifically fixed, it was known that the price of common spelter would be held below a certain maximum. Since purchasers prefer high-grade spelter, they would have demanded it, had the price of common spelter advanced to a point near the price of grade "A". The cost of redistilling common spelter for the purpose of producing grade "A" zinc was approximately three cents per pound. The producers preferred to sell common spelter at about nine cents per pound when the price of grade "A" zinc was fixed at twelve cents per pound. As the demand for high-grade zinc was great and the demand for common spelter was comparatively small, the producers of spelter were induced to redistill as much as possible.

In discussing the subject of indirect price fixing it should be remarked that the Administration hoped that by fixing the prices of such commodities as coal, iron, copper and lumber the whole price structure would be affected. While it is probable that a considerable part of the reduction in the price of such materials went to increase the profits of those engaged in later stages of production and in the distribution of finished products, nevertheless, it is undoubtedly true that to some extent these hopes were realized. Who can say what the prices of many finished commodities entering into the daily consumption of the average man would have been, if the prices of coal and iron had not been held in check? And is it not probable that if the prices of hides and leather and cotton had been effectively fixed in 1917, the prices paid by the consumers for shoes and shirts would have remained at more reasonable levels?

A most interesting and important phase of the government's indirect price-fixing activities lies in the attempts made to restrain or maintain prices by controlling demand. It is to be

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hoped that a special study will be made of these attempts. The efforts to reduce the consumption of tin, platinum, coal, sugar, wheat and meat were notable. These efforts culminated in rationing (sugar) and the requirement of purchases of substitutes (wheat). The restriction of demand was supplemented by steps to prevent waste and to improve methods of production, *e. g.*, cleaner threshing of wheat. Most of these "conservation" measures are to be approved without reserve.

Closely connected with the conservation phase as seen in control of demand, rationing *etc.*, were "stabilization" and pooling. But pooling, while partly used to facilitate rationing (as in the case of sugar), may also be used to keep prices up, either locally or throughout the entire market. In at least three cases, wheat, sugar and tin, the government entered upon a pooling program for the purpose of stabilizing prices. Stabilization is a term which implies mixed motives, a considerable part of the object commonly being to maintain or keep up prices,—at least in a part of the field. This was the case with the Sugar Equalization Board and the tin pool, to say nothing of the government's grain corporation. It is doubtful, however, if government monopoly of supply has proved desirable.

The degree of precision with which prices were fixed varied widely from commodity to commodity, ranging from a loosely determined maximum price to a careful determination of the definite price to be charged for a particular commodity on a particular purchase. As a rule, only maximum prices were fixed, although in a majority of cases the price named as a maximum was the one which actually prevailed. This apparently was not infrequently taken for granted by the price-fixing agency; and it was not until the price-fixing program had been considerably developed that the significance of the word "maximum" came to be realized. This was natural during a period of rapidly advancing costs, especially in view of the fact that the price was ordinarily fixed on the basis of costs ascertained for a period that had already expired. In important cases, however, the actual market price fell below the maximum named by the government. This

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was true of zinc plates and sheets and certain kinds of lumber. Also in the case of rubber, a price was named by the War Trade Board as a maximum, which was considerably higher than the market price. These cases are all easily explained. The raw material for zinc sheets probably existed in over supply and was abundant and cheap; the lumber-production capacity was in excess of demand, and in particular cases competition of cheaper lumber prevented other kinds from getting a price which was equal to the cost of production. In fixing the price of rubber, the War Trade Board had in mind merely a general limit upon the possible effects of speculation and hoarding on the future market, while the large production by rubber plantations and competition kept prices down. Toward the end of the war a number of commodities fell somewhat below the existing maximum price.

As already noted, a minimum price was fixed for wheat, the reason being that it was desired to guarantee the market in this case and thus encourage production. The price of hogs was also fixed on a positive minimum basis after the attempt to maintain the price on the basis of a fixed ratio to corn had failed. Wheat also furnishes a case in which both a maximum and a minimum price were specifically fixed.[1]

The fixing of the exact price which it was intended should prevail in the market was ordinarily resorted to in the case of purchases by departments of the government. These included a considerable part of those commodities which may be classed as munitions of war, such as nickel, quicksilver and castor beans, the last needed for the manufacture of castor oil to be used as an aeroplane-motor lubricant.

The extent of the producing territory covered by a fixed price is a matter of some importance in a discussion of the precision of price fixing. When the price of a widely produced commodity was fixed for the whole country, wide differentials of profit were the result; when the country was divided into districts or territories, for each of which a different price was fixed, the price could be made to conform more closely to the

[1] See above, pp. 110, 113.

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different costs which naturally prevail in different parts of the country. This distinction is well illustrated by the problems which the Fuel Administration met in fixing the price of coal. Much of the criticism of the early price fixing for this commodity arose out of the attempt to apply a single price over large areas within which the costs of production varied widely; and as the cost findings of the Federal Trade Commission became more numerous and detailed, prices were fixed on a finer and fairer scale.

In fixing the price of a number of commodities, such as lumber and leather, it is practically necessary first to fix an average base price on the material from which several grades of product are secured. This is one of the difficulties attending the control of prices of commodities which are produced under the condition which economists call "joint cost." Clearly when the Price Fixing Committee merely determined that a fair, maximum, average price for mill-run lumber was $28.00 per thousand board feet, the price to be charged for "B and better" flooring, or No. 3 common boards, remained indefinite and uncertain. Moreover, the percentage of the different grades of lumber secured from the log differs among the different sawmills, so that even though the base price might be satisfactorily allocated among the several grades, hardly any two mills would secure the same average result.

Finally, no discussion of the degree of precision attempted in fixing prices would be complete without reference to the method of fixing the margins of producers' profits, which was so much in use by the Food Administration. Obviously a result similar to that obtained by naming a price may be gained by limiting profits. Thus, an effort was made to restrict the profits of the meat packers to 2½ per cent on sales, and in the case of the five largest packers a maximum margin on meat of 9 per cent on investment was named. The flour millers also were limited to a profit of 25 cents per barrel. Dealers in cottonseed and peanuts, both ginners and others, were limited, beginning with July 1, 1918, to a margin of $3.00 over cost (not replacement value). This method was also largely used by the Fuel Administration in an attempt to regulate the price

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of coal to consumers, and in this connection the rather elaborate regulation of the margins to be made by the lake forwarders is noteworthy. The margins effective June 1, 1918, ran from 20 to 95 cents per ton according to the nature of the transaction. In a considerable number of cases the rates of commission or margins of profit were imposed not only on dealers in coal, meat and flour, but also on those in newsprint paper, retail lumber and other commodities. In addition to all this there was the attempt to fix retail prices directly by publishing fair prices, as was done by the Food Administration in the case of groceries.

When the cost to a dealer of a commodity is definitely fixed, and the dealer's margin is definitely limited to a certain amount per unit of product, the resulting price may be said to be fixed with a considerable degree of precision; but when the base price is not definite, or when the amount of margin is expressed in terms of a percentage on investment, sales, price or cost, the resulting price cannot be said to be precisely fixed. A margin fixed as a percentage on cost is a more definite sum than one fixed as a percentage on sales or on investment. Indeed, there is an element of circuity when the selling price is made the basis, as the higher the price, the larger is the absolute amount of the margin required to return any given percentage on sales. Apparently the fixing of margins, which was prevalent in attempting to control the prices charged by middlemen and dealers, generally resulted from a desire to extend price control more directly to the "public;" that is, the f. o. b. mill prices of basic commodities having been regulated, it became necessary to regulate the margins which the middleman might add to the manufacturer's prices. However, as will be observed at another point in these articles, the various attempts of the Food Administration to limit profits cannot be said to have been thoroughly effective.

Price fixing in the way of restrictions on margins passed into the realm of hopes and aspirations in such cases as the earlier regulation of the lake forwarders by the Fuel Administration, and the cotton ginners by the Food Administration, for in these cases the producers were merely urged to charge "reasonable" prices. Much the same may

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be said of the somewhat tentative moves made by the Oil Division of the Fuel Administration toward fixing the price of petroleum and its products. In July, 1918, the Oil Director made some proposals with regard to fixing the differential between the prices of crude and those of refined products; and about the middle of August he announced a plan to stabilize the price of crude oil, stating his belief that this would prevent radical changes in the price of refined products. It does not appear, however, that the plan had any appreciable affect upon prices.

It seems fair to conclude that, from the foregoing point of view, there were three chief types of price fixing: (1) *maximum prices*, in the case of basic staples which have wide public interest,—often recognized as "pegged" prices when any scarcity or rapidly advancing cost exists; (2) *definite prices*, (a) to encourage production by guaranteeing returns, (b) government purchases (direct or indirect) in the nature of single transactions; (3) *margins*, (a) absolute amount per unit, (b) percentage on sales, cost, or investment, this method being used when it was desired to cover the distribution of products, the marketing of which was not integrated with manufacture. The minimum price, strictly speaking, was the exception, but is logically associated with the definite price which is both maximum and minimum.

Another distinction of some importance with regard to the method of fixing prices involves the point at which the price named was to apply. Some prices were made on an f. o. b. factory basis, while others were on a delivered basis. In this respect the practice prevailing in the industry was partly followed. The tendency, however, was to fix prices on an f. o. b. factory or mill basis, a natural tendency when the price is based on cost. In a majority of cases, prices came to be made f. o. b. the producer's plant.

In many cases, however, it was common to quote prices f. o. b. some market basing point. This was notably the case with such products as copper, which was always quoted f. o. b. New York, although the metal was secured from mines in Michigan, Montana and Arizona, and refined at various seaboard points.

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The price of "packer" hides when fixed was "based on Chicago freight," which meant that three-fourths of a cent per pound was to be deducted from the price made by the Pacific Coast producers, and that in shipments from other states, the price was not to exceed the price on Chicago shipments. Further, the price of North Carolina pine was fixed on the basis of deliveries to Virginia "gateways."

In the case of commodities for which there were several competing producing areas, there was often a tendency to quote prices on a delivered basis. Prices delivered were fixed on New England spruce, Pennsylvania hemlock, cement, hollow building tile, iron and steel scrap, and oil products for the navy. The situation in the case of hollow building tile will furnish some explanation of this tendency. The chief producing area for this commodity is centered in Ohio, while there are other producing territories in the south, in New Jersey and elsewhere. In order to stabilize market conditions and to divide the market, the representatives of the industry desired to fix prices on a delivered basis. In this way, by fixing a delivered price sufficiently low, they would prevent the low-cost producers in Ohio from coming too far east with their product; while, if the price were fixed f. o. b. the plant, there would be no limit to the area which might be covered by the low-cost producer, except cost of freight and desire for profit. The producers of yellow pine lumber also objected strongly to fixing prices on an f. o. b. mill basis, their motive being to preserve the *status quo* in the distribution of territory among the southern pine producers, and between such producers and the west coast lumbermen. They argued that an average base price on mill-run lumber would be affected by changing the market areas; that delivered prices were the custom of the trade; that the weight of lumber, and consequently the freight rate, was uncertain, (the amount of moisture being affected by seasonal conditions); and that the disturbances in producing areas which would result, would be a public disadvantage. Nevertheless, the tendency was away from the delivered basis, as is illustrated by the fact that southern pine lumber prices were made f. o. b. mill; and that in the case of hemlock lumber, the system of

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delivered prices was discontinued in May, 1918, and f. o. b. mill prices were substituted therefor.

Had the war continued much longer, there can be little doubt that adjustments in railway rates would have become a part of the price-fixing program,—just as rates on government railways have in several countries been a part of the system of protection. Special railway service was given in a number of instances as a direct part of price fixing, as, for example, the arrangements made to furnish transportation to the Douglas fir lumber mills for the purpose of relieving them of accumulations of low-grade lumber. In the case of price fixing on manganese ore produced in the United States, an integral part of the scheme was the announcement of special railway rates applying to such ores.

Prices were fixed for various periods of time, but in general it may be said that on account of changing conditions the periods were short. Perhaps the period most frequently chosen as the one during which the price was to apply was three months. A much shorter period would have created too much risk and uncertainty in marketing, to say nothing of the strain upon the price-fixing machinery; while a longer period was not, as a rule, desired by the representatives of the industries, especially during a period of increasing costs. Various special exceptions might be cited, such as the case of wheat, in which the price was fixed for the crop of a given season. The prices of meat and coal were fixed for indefinite periods, and the same was true of manganese ore. The price-fixing announcement with regard to New England spruce stated that the price was to remain in effect till July 1, 1918, or such prior time as the Federal Trade Commission might report concerning costs.

In numerous cases the price was left open, pending some form of determination after the delivery of the commodity. Thus, canned salmon bought by the Subsistence Division of the Army was partly paid for by "advances," pending the determination of the cost of production by the Federal Trade Commission. Considerable quantities of wall board and common brick were delivered for use in government construction during 1918, although the prices were not determined until January and February, 1919.

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THOUGHTS ON PERMANENT PEACE[1]

NOW that the war is over and the peace conference has assembled, one frequently hears the question: Has history anything to teach for our guidance in national and international organization? Whether the answer to this question should be *yes* or *no* depends upon what is in the mind of the inquirer. If he wishes to know whether history has concrete lessons to teach, in the sense that problems in the past have been met and satisfactorily solved by particular policies which we can apply to similar problems in the present, the answer must be *no*. This will be evident from a few illustrations.

At the present time (January, 1919) the newspapers are debating the

[1] Approaches to the Great Settlement. By Emily S. Balch. New York, B. W. Huebsch, 1918.—351 pp.

Right and Wrong After the War. By Bernard Iddings Bell. Boston, Houghton Mifflin Company, 1918.—ix, 187 pp.

The Choice Before Us. By G. Lowes Dickinson. New York, Dodd, Mead and Company, 1917.—xiii, 268 pp.

Democracy Made Safe. By Paul Harris Drake. Boston, Le Roy Phillips, 1918.—x, 110 pp.

The Restoration of Europe. By Alfred H. Fried. Translated by L. S. Gannett. New York, The Macmillan Company, 1917.—xiv, 157 pp.

The New Map of Africa. By Herbert Adams Gibbons. New York, The Century Company, 1917.—ix, 418 pp.

The Soul of Democracy. By Edward H. Griggs. New York, The Macmillan Company, 1918.—vi, 158 pp.

The Rebuilding of Europe. By David J. Hill. New York, The Century Company, 1917.—x, 289 pp.

War and Progress. By William S. Howe. Boston, Le Roy Phillips, 1918.—vi, 136 pp.

The War and the Coming Peace. By Morris Jastrow, Jr. Philadelphia, J. B. Lippincott Company, 1918.—144 pp.

Through War to Peace. By Albert G. Keller. New York, The Macmillan Company, 1918.—xi, 181 pp.

Nationality and the War. By Arnold J. Toynbee. New York, E. P. Dutton and Company, 1915.—xii, 522 pp.

In the Fourth Year. By H. G. Wells. New York, The Macmillan Company, 1918.—x, 154 pp.

The End of the War. By Walter E. Weyl. New York, The Macmillan Company, 1918.—323 pp.

Les Garanties de la Paix. Premier partie, Les Leçons du Passé. Par Yves-Guyot. Paris, Félix Alcan, 1918.—iii, 288 pp.

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question of intervention in Russia, and presumably the statesmen at Paris are giving it their earnest attention. Ought the Allies to withdraw their troops from Russia and allow the Russians to work out their domestic problems unhindered by outside interference, even though this may mean for Russia a period of anarchy, bloodshed and terror? Or should the Allies intervene in greater force than at present and establish in Russia a government that will keep order and protect life and property? What does history teach with regard to intervention in somewhat similar circumstances?

In the past there have been frequent instances of intervention of one or more powers in the affairs of another when it was in a turbulent or revolutionary state. Were the results good or bad? The question does not require us to pass moral judgment upon the deeds of the past nor to enter into any discussion of the ethical meaning of good and bad. A more objective and satisfactory criterion may be found by looking to the substantial consensus of opinion among historians. One naturally thinks first of the intervention of foreign powers in revolutionary France. In this case the results of intervention were unfortunate not only for France but for the rest of Europe.[1] The same judgment is usually passed upon the action of the so-called Holy Alliance in sanctioning intervention by Austria in Italy in 1820, and by France in Spain in 1823. It has been the habit of historians to applaud the action of Canning and Monroe in baffling what is said to have been the purpose of the same alliance to intervene in Spanish America with the intention of restoring the revolted colonies to the mother country. More recently the intervention of Russia and Great Britain in Persia, the attempted intervention of Italy in Abyssinia, and the intervention of the great powers in the Balkans after the war of 1912 have all been generally regarded as unjustified and as working for evil. On the other hand, the intervention of the powers in China at the time of the Boxer uprising, of various powers and combinations of powers in the Ottoman Empire on several occasions, and of the United States in Cuba in 1898 has received justification before the bar of history. It may be said,

[1] On this point see an illuminating article by George Macaulay Trevelyan entitled "The Four Great Wars," in *The Living Age*, December 21, 1918. Speaking of the effect of this intervention upon England Mr. Trevelyan says, "The terrible reaction of forty years which the war caused in our domestic politics and society, just at the moment when reform was overdue and the problems of the Industrial Revolution required more instead of less political liberty, led for a while to a moral and physical deterioration of the masses, and has left marks even now plainly discernible in the social, educational and political evils of our land."

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then, that history gives no categorical answer to the question: Is intervention a good or a bad policy? It should be noted that the ostensible motive in every case to which reference has been made, whether intervention was to be subsequently justified or condemned, was substantially the same, namely, the upholding of law and order, the protection of life and property, the maintenance or establishment of a stable and reasonably just government.

In a similar manner, it may be shown that history has no concrete lessons to teach concerning the international government of backward regions of the world, which is one of the pressing problems before the peace conference.[1] And concerning a league of nations, the most urgent of all international questions, at least in the eyes of President Wilson, history offers no ready-made solution. Yet it does throw light on all of these and other present-day problems, if we are looking for general principles rather than for concrete solutions.

In a recent volume the French historian and economist, Yves-Guyot, undertakes an historical review of diplomacy and international relations since the seventeenth century. He attributes the failure to establish universal peace to the fact that statesmen, following the line of least resistance, have juggled with the difficulties in the way of peace instead of settling them. They have striven to suppress the effects of war while preserving its causes.[2] Unfortunately M. Guyot's suggestions for

[1] See Walter Lippman, Stakes of Diplomacy. According to Mr. Lippman, the Algeciras Conference failed to establish a truly international government in Morocco, because it entrusted the administration of the country to one nation, France, instead of to an international commission representing all the powers whose nationals had interests in Morocco. An account of the work of the International Congo Commission may be found in Harris, Intervention and Colonization in Africa, or in Gibbons, The New Map of Africa. Both these authors agree that the attempt at international government in the Congo proved an ignominious failure. Nevertheless, Mr. Lippman expresses great confidence that the only way to avoid disputes between the great powers over these and other "sore spots" of the world is to place the government of these regions under international control.

[2] The same idea is well expressed in Arnold Toynbee, Nationality and the War, p. 485. "Whenever the European organism proves its instability by breaking down, we start in quest of a perfect mechanism, a 'permanent settlement.' We are invariably disappointed, but invariably we return to the quest again. 'Europe is in a mess,' we are all saying: 'Let us tidy her up once for all, and then live comfortably ever after.'

We might as well expect a baby to 'live comfortably ever after' in its swaddling clothes, or say to a snake, as we watch it slough off its old skin and wriggle out radiant on a Spring day: 'Now that you have got through that tiresome business, you won't need to do it over again when next Spring comes round.' We are always mis-

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a policy that will result in permanent peace have been deferred to a second volume which has not yet been published. However, in the volume under consideration the author suggests what may be taken as a point of departure for arriving at some positive lessons that may be learned from the past. Hitherto the domestic and foreign policies of the nations have been justified too much by appeals to every sort of emotion—to moral principles, which the author, following Buckle, calls "static"—and too little by appeals to the intellect and reason, which are dynamic. Moral principles and emotions generally, which in their origin may have been rational, persist as part of the common fund of human intelligence although they may have tended to become irrational. Professor John Dewey has recently developed this theme at some length.[1]

The irrational in man exists and is of positive value. In time of war it is especially in evidence and on the whole is particularly valuable "when all the reserves of power have to be maintained in full action." Professor Dewey continues,

> It is not the rise of the irrational as such, accordingly, that must give pause to those who would use intelligence as a director of instinct and passion. *It is the deliberate cultivation of the irrational.* For the cult is not spontaneous and natural; it is intentional and purposeful. It is ulterior, full of design. It raises questions: What design is behind it? Whose interests are concerned in the careful and systematic working up of the irrational? Who is taking advantage of a natural and wholesome stir of feeling to intensify it abnormally till men see only red, and to deflect it till rational criticism of what is politically and economically obnoxious can be represented as lack of patriotic interest in the war? It is the business of deliberate thought to direct the play of emotion to an end. There are many ends, and the value of the deliberate cultivation of emotions depends upon what ends are held. Is irrationality in the mass cultivated by a few in order that the attention of the many may be diverted from something which would otherwise arouse intelligent opposition? Is it being worked up to a boiling point in order that certain securities and guarantees which are hostile to the wishes of an influential class may be overridden, and that when the proper time comes certain schemes, rendered invisible by

taking the dead clothes for the living creature. A year hence, it will be the new skin's turn to shrivel, but year in and year out the same snake will be living his life under each skin in turn. *In treating one of these annual skins with preservatives, we are not doing our snake a service.* When the season arrives, he will have either to burst it by an exhausting effort or to die inside it conquered and stifled. The one thing he cannot do is to live in it another year."

[1] "The Cult of Irrationality," *The New Republic*, November 9, 1918.

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the prevailing excitement, may be put over? Not the irrational itself, but the systematic cult of it is, let it be repeated, the sinister thing.

Professor Dewey's contention may easily be illustrated by a few historical examples. The English Whig party, it will be recalled, posing as the only truly patriotic party, maintained itself in power by appealing to the loyalty of the people to the dynasty and by identifying its opponents with the cause of the deposed Stuarts. The power thus attained the Whigs employed to forward their own selfish and short-sighted ends. England was brought to a low state of political and social morality; the government was unfit to meet the conditions brought about by the industrial revolution, failed to administer successfully its colonial empire and lost the best part of it when our forefathers finally revolted against the sordidness and short-sightedness of the old system. It is little wonder that Samuel Johnson could define patriotism as the last refuge of a scoundrel.

After our own Civil War there was a somewhat similar situation. The Republican party claimed a monopoly of patriotism; it was the party of great moral ideas; it had saved the union and transformed four million chattels into human beings; it waved the "bloody shirt." Shrouded in patriotism and hurling anathema at its opponents, it gathered unto itself the predatory interests of the country, maintained control of the government and utilized that control in behalf of its political henchmen and of the economic interests of the business men whose contributions filled its campaign chests. On the other side of the Mason and Dixon line, the Democratic party was the party of respectability and emblemized loyalty to a "sacred lost cause," to "Anglo-Saxon supremacy" and civilization and a sort of patriotism peculiarly its own. By appealing to the emotions aroused by these conceptions, it maintained a "Solid South," and incidentally an inferior educational system and white child labor in factories, and on the whole neglected the general welfare to devote itself to the same economic interests that its opponents served in the North.

Finally, what colonial enterprise, urged by a selfish desire for the exploitation of backward peoples and their natural resources, has not made its appeal for popular support on the ground that it would bring to these peoples all the blessings of the Christian religion, European civilization, and a particular national culture—British, French, German or Italian as the case might be? But what is called at home the "white man's burden," often becomes in the colony a black man's burden. Even our own war with Spain, motivated on the whole by a

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generous impulse to assist a down-trodden people, was not entirely free from ulterior design. Indeed, every war of the past century, whether just or unjust, has relied for popular support on appeals to all sorts of irrational principles; and harsh and unjust treaties have been sanctioned because they were made to protect the "national interest and honor."

Thus the tendency to bedevil the issue, which Professor Dewey points out as a present danger, is not new. It has operated more or less successfully in the past without the knowledge of very many people. It may be successful in the present world crisis, but a larger number of people will be aware of it than ever before. Class-conscious workingmen, agrarians, intellectual radicals, socialists and liberals generally are and for the past four years have been on the lookout for it. They have written books, pamphlets and magazine articles without number which solemnly warn us against allowing ourselves to be hoodwinked. And yet, with the war over, and with the passion for humiliating the enemy apparently stronger than ever, it hardly seems as if they had made much impression upon people in general and upon the most articulate class, that is business men, in particular. This is not strange, for the monitors have against them almost all the daily press, most of the weekly magazines and monthly periodicals, and the bulk of the professional classes including the clergy and the teachers. These opponents of the radicals may be called, somewhat loosely, the conservatives.

The conservatives repeat the old moralities: Thou shalt not steal; thou shalt not murder; thou shalt not bear false witness. They insist that the present soviet government in Russia is violating all these age-old commandments. The radicals admit that this charge against the soviets may be true, but they inquire whether those who would "clean up" Russia are animated by a desire to protect life and property in Russia for the sake of the Russian people themselves, or are putting forward excellent moral principles as a cloak to some ulterior design? Can it be that they are more interested in assuring the failure of an experiment in socialistic government, or in securing the natural resources of Russia for their own exploitation, or in establishing a government that will pay the debts of the old government, than solicitous for the welfare of the Russian people? Such questions as these the radicals insist upon asking, and for their pains they are dubbed Bolsheviki or pro-Germans—terms which have come to be used as synonyms for those who do not agree with the conservatives.

In fairness to the conservatives it should be said that not all of them advocate intervention in Russia. Not all of them oppose the estab-

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lishment of a league of nations, but those who do base their opposition to it on the ground that to enter such a league would mean the surrender of national sovereignty, the abandonment of the Monroe Doctrine or even the violation of the Constitution itself. They appeal to irrational emotions, to patriotism in the narrower sense, and to unthinking loyalty to such traditions as the injunction of Washington against entangling alliances and the like. A distinguished opponent of the league went so far as to appeal to the domestic virtues by comparing a man who would love all nations alike to the adulterer who justifies his transgression by calling it free love and defending it as a sign of broad-mindedness to love other women as well as his wife. This begging of the question the radicals denounce and ask whether their opponents are really actuated by motives of patriotism in its better sense, or are making this appeal to blind national pride as a means of advancing interests that can best be served by the maintenance of the old status of unlimited national sovereignty?

Such are the questions that radicals are asking their opponents, while they themselves are suggesting the creation of a new world order. Their demands are various and sometimes not in harmony with each other; yet on the more essential points they are in agreement. They desire permanent peace secured by the creation of a league of nations, so constituted that it can readily be changed from time to time as conditions and the logic of events demand. They are in substantial agreement that the constitution of the league should from the beginning secure the protection of national existence, and this without regard to whether the interests of friend or foe are affected favorably or adversely. It is not difficult to favor the right of self-determination so long as the suppressed nationalities are located in enemy countries. The real test comes when the suppressed nationality is within the territory of an allied country. It is well recognized that it is no easy task to secure the autonomy of each national group, for unfortunately in many parts of Europe there are no sharp dividing lines between nationalities. Radicals believe, however, that a reasonably fair and satisfactory compromise between conflicting nationalistic claims can be made, if there is a real will to make them.[1]

[1] The best discussion of this question together with suggestions for a satisfactory solution of some of the nationalistic problems of Europe can be found in Arnold Toynbee, *op. cit.* Also there have appeared recently a number of books devoted to the more specific problems of one or more of the oppressed nationalities. See also Balch, Approaches to the Great Settlement, for an excellent bibliography and for brief statements of the demands of various nationalistic groups.

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It should not be understood that radicals care very much for the principle of nationality for itself. They recognize that nationalism is an irrational idea, fraught with power for evil. But one of the chief dangers of nationalism in the past can be attributed to the fact that only a part of the people of Europe have hitherto realized their aspirations for national government and independence. This condition has created among the more fortunate peoples a spirit that is best described by the Italian phrase "sacred egoism," which has caused each of them to feel that it was a superior folk with the right to impose its "higher culture" upon supposedly more backward neighbors, who had not been so fortunate as to realize their own nationalistic aspirations. As every one knows, this assumption of superiority reached its highest development in the Germany of the Junkers, but to say that it was confined to Germany is to mistake the facts. This egoism on the part of the greater and more fortunate nationalities has generated a similar egoism among the lesser and unfortunate national groups and created among them ambitions and aspirations out of all proportion to their size and importance. This is not surprising, since the only way in which they could feel the equal of their larger neighbors was by claiming equal or superior virtues.

Radicals believe, and they have some historical justification for their belief, that if each national group is given control of its own government, its temptation to magnify the pure ego of nationality will be materially lessened. With the chip of thwarted nationality removed from the shoulder, each of these nations will be free to turn its attention to the discussion and solution of real, live and important social and economic problems. So long as the aspiration to nationality remains thwarted, just so long will the desire to realize it remain the chief topic of conversation and discussion and the mainspring of political action. All who are familiar with conditions among these thwarted nationalities testify to the fact that many a demagogue keeps himself alive and in a position of prominence by an ability to extol the glory of his people and by his capacity to shed copious tears over their terrible wrongs—one chief wrong being the meanness of their neighbors in not recognizing and acknowledging the superiority of their virtues. Moreover, many a sinister interest and influence fattens upon society by the simple expedient of becoming chief shouter and expounder of the nationality's greatness. Witness the so-called *padrones* among certain simple-minded foreigners in our own country, and some of the foreign language press, the "skin-flint" foreign banks *etc.* I believe it was Lord Chesterfield who once enjoined his son to fit himself for

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the best society so that he might be in a proper position to despise it. The radical idea is that each nationality should be allowed to realize its own aspirations, not to despise them indeed, but to cease to be obsessed by them. The radicals favor whatever will tend to eliminate the demagogue and the jingo who, by appeals to the irrational, are able to misrepresent the real issue; for they believe that so long as conditions make it easy for them to flourish, it will be so much the more difficult to direct the attention of the people to important questions.

The logic of these demands for the realization of nationality and for the elimination of the cultivator of the irrational requires a league of nations. For some of the new nations will not possess strategic frontiers; others will have no outlet for their commerce; and in all there will be a minority or minorities alien and often hostile to the controlling national element. In Poland, for example, all three of these vexing conditions will exist. Poland never had and in the nature of the case cannot have strategic frontiers; she will have no outlet for her commerce unless the Allies grant to her Danzig, an almost wholly German city; moreover, there are within the bounds of the new Poland four or five minority peoples, who dislike the Poles and are disliked by them. If Poland is to exist as an independent state, there must be some power to protect her from such aggression as caused the partitions of the past, and to assure to her commerce freedom of egress and ingress with no restraining duties to a foreign power; and finally to give to the non-Poles security for their lives, property and political rights against the possible intolerance of the dominant Poles. Furthermore, Poland and for that matter every other state, great or small, must be given opportunity to purchase raw materials and dispose of its products in the markets of the world.

Thus it comes about that the league of nations is not to exist solely for the purpose of securing peace among the great powers, although that will be its main function and the one to which all others will contribute. Among these subsidiary and contributing functions, the realization of nationality is perhaps the most important. This realization in its fullness is necessarily conditioned on the sacrifice by each nation of a part of its sovereignty. The paradox that he who would save his life must lose it, is especially applicable here. It is hardly worth while to establish the independence of these small nationalities and then say to them, "Root, hog, or die." It is necessary to withhold from each of the lesser powers, as well as to withdraw from each of the greater, some of its sovereignty, and to lodge the part so withheld or withdrawn in a superior body, just as it was necessary for each of the thirteen

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American states to surrender some of its sovereignty to a higher authority. Perhaps the one thing that has contributed more to war and warlike preparation than anything else is fear. The chief task, then, of the league of nations is to give each nation the feeling of security.

In addition to performing the duties mentioned above, it is agreed that the league ought to take the manufacture of munitions out of private hands and place it in the hands of the national governments, or better still, if it is not too utopian, in the hands of the international organization itself. A legislature must be instituted with power to make and define international law, so that the rules of international law may be brought to a high degree of perfection. This body of acceptable law is necessary in order to induce the various states to arbitrate their differences before an international court (which it goes without saying must be established), for unless the law is clear there will be difficulty in getting even a well-disposed government to submit its disputes to arbitration.

It is further agreed that the league must undertake to guarantee to the business interests of each of its members a fair share in the development of the backward regions of the world. All must have equal opportunity to obtain raw materials for their manufactures, markets for their goods and investments for their surplus capital. By international commissions the property of all must be protected and the open door must be maintained. That trade must be followed by political domination in the case of each country is a fallacy that must be abandoned at once and for all time. That there must be an international police force for the keeping of order in the backward regions, as well as within and between the newly-created national states in Europe, is a corollary of the foregoing propositions. In order that this international police force shall be greater than the forces of any of the member nations, there should be a material reduction of armaments in each of the member nations—perhaps a reduction to one-fourth of each nation's pre-war establishment. Each nation should contribute to the international force an amount of armament equal to one-half of its own establishment.

From the point of view of radicals there is a very real danger that an alliance between the powers that have been at war with Germany and Austria will be formed and will call itself a league of nations. If these powers should undertake in the name of law and order to suppress all socialistic governments established or to be established in Russia and Central Europe, they would repeat the mistakes made after the Congress of Vienna. No talk of vengeance or of the innate de-

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pravity of Germans and Russians should be permitted to exclude these countries from the league. If Germany is to be punished, the punishment should be meted out to the authors of the war and its barbarities. It might be desirable to confiscate the estates of the wealthy German Junkers and capitalists, who were primarily responsible for the war, and to apply the proceeds toward the just reparation due to Belgium, France and Serbia, but it would be a grave mistake to lay upon the German people as a whole such an indemnity as would make them slaves to the rest of the world for half a century or more. Such a proceeding would be a guarantee of future war, not of permanent peace. Those who may be interested in a forecast of the nature of future war should read and ponder deeply upon the chapter entitled, "The Future of Militarism" in Mr. Lowes Dickinson's *The Choice Before Us*.[1]

None of the radicals believes that the machinery of a league of nations will work of itself, nor that force alone can be depended upon to operate it for long. There must be developed in each country of the league a strong sentiment for its support and maintenance. Just as in the American union it required time for national patriotism to supersede state patriotism, so it is expected that time will be required to develop a loyal attachment to a world federation. That allegiance which today on the part of a few transcends national boundaries and reaches out feebly toward an international loyalty must be cultivated until it is shared by civilized men everywhere. In the development of such an international sentiment, publicists and teachers of a liberal turn of mind will find a most inspiring work.[2] It is to perform this task that there has recently been organized a group of liberal men and women known as the League of Free Nations Association. This association has issued a statement of principles which merits the careful attention of every one who would see established a permanent peace based upon justice to all.[3]

But even after our league of nations has been organized and public sentiment developed for its maintenance, there is no certainty that it

[1] It has not been the purpose of this article to review at this late date all the schemes for a league of nations, much less to propose a new one. The proposals suggested above are common to nearly all the plans that have been put forward. For a detailed analysis of such proposals, see E. S. Balch, Lowes Dickinson, D. J. Hill, H. G. Wells, and Alfred H. Fried, *op. cit.*

[2] On this point, *cf.* Walter Weyl, H. G. Wells, *op. cit.*, and other writings by the same authors.

[3] For this statement, see *The New Republic* for December 1, 1918.

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will be permanent. One thing more, radicals insist, must be done. The reign of profiteering must be ended and the reign of substantial economic equality must be inaugurated. This is an ideal that is worthy in itself and is its own justification, but in relation to permanent peace it is a necessity for at least two reasons. In the first place, it is a truism of politics that those who possess the nation's wealth control, in the main, the policies of the nation's government. This control they will use in the future as in the past for the protection of their investments and trade in every part of the world. This competition on the part of great capitalists of different nationalities in the backward regions of the world brings tension and armaments and eventually war, for, as Mr. Weyl puts it:

> There is a financial imperialism, which retains, after eviscerating, the native political government, and which buys control of foreign nations as it buys lands, mines and railroads. Our future imperialists may give rein to all their ambitions without hoisting the flag over a single islet. They can get what they want in ways seemingly innocuous. And in getting what they want they will be bolstered up by the arguments that have aided imperialism since the beginning. All the shining moral panoply that has once been used can be used again.
>
> The point of conflict between the rival imperialists, of which we may be one, may be anywhere. A long slow conflict, for example, may break out ten years hence in Russia, Latin America, Africa or China. Such a struggle would not confine itself to economic weapons. If British, German, American and French capitalists are competing for strategic investments, a financial coalition is likely to lead to political coalitions in case these prospective investors are able to involve their states. Naturally the issue will never appear as a naked economic struggle for economic advantage. When the financial dispute is brought to a head, the resulting war will be evoked upon high moral grounds.[1]

While such dangers are both possible and probable, they are not predestined. According to the same author they may be averted by a policy which will deflect wealth and income from special groups to the general community and extend democratic control over industry and other phases of national life.

> It will then be seen that while the economic interests of the peoples [of the various nations] still diverge, these differences are not sufficiently great to warrant the costly and dangerous expedient of war. There will be no special group financially interested, as at present, in stirring up national animosity,

[1] *Op. cit.*, pp. 301–302.

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and there will be no groups at all who will gain by war although their country loses.[1]

The second reason why it is necessary to end the reign of profiteering and to usher in the reign of social and economic justice and democracy may be regarded as religious. Even Lincoln, who has sometimes been thought a skeptic, gave to the Civil War a religious significance when, in his second inaugural, he spoke of it as being in the nature of retribution for the sin of slavery. Since one so emancipated as Lincoln could think of the Civil War as an expiation for the sin of enslaving black men in this country, may we not be justified in thinking of this war as expiatory for the sin of exploiting white men of the more unfortunate classes in Europe and America and black men in the backward regions of the world? It matters not, however, whether one is a religionist looking at the recent holocaust of blood as a divine punishment for sin, or a materialist regarding it as the effect of natural cause; if he is thoughtful, he will agree that the cause of the catastrophe must be removed. That is why those who would abolish war are called radicals. The term is used in its derivative sense and is applied to those who would go to the source of the trouble and destroy its root. The development of internationalism, then, is inseparably connected with the development of industrial as well as political democracy—a fact that even President Wilson, the arch proponent of a league of nations, does not seem clearly to have perceived. According to this view, the test of a true internationalist is his agreement with some such purpose as that expressed by the British Labour Party in the following excerpt from its program:

> The individualist system of capitalist production, based on the private ownership and competitive administration of land and capital, with its reckless "profiteering" and wage slavery; with its glorification of the unhampered struggle for the means of life and its hypocritical pretense of the "survival of the fittest;" with the monstrous inequality of circumstances which it produces and the degradation and brutalization, both moral and spiritual, resulting therefrom, may, we hope, indeed have received a death blow. With it must go the political system and ideas in which it naturally found expression. We of the Labour party, whether in opposition or in due time called upon to form an administration, will certainly lend no hand to its revival. On the contrary, we shall do our utmost to see that it is buried

[1] *Ibid.*, p. 309. On the necessity for democratic control and socialization of wealth as a prerequisite to permanent peace, *cf.* also P. H. Drake, B. I. Bell and Morris Jastrow, Jr., *op. cit.*

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with the millions whom it has done to death. If we are to escape from the decay of civilization itself, we must ensure that what is presently to be built up is a new social order, based not on fighting but on fraternity; not on the competitive struggle for the means of bare life, but on a deliberately planned cooperation in production and distribution for the benefit of all who participate by hand or by brain; not on the utmost inequality of riches, but on a systematic approach towards a healthy equality of material circumstances for every person born into the world; not on an enforced dominion over subject nations, subject races, subject colonies, subject classes, or a subject sex, but, in industry as well as in government, on that equal freedom, that general consciousness of consent, and that widest possible participation in power, both economic and political, which is characteristic of democracy.[1]

In conclusion the argument of the radicals may be summed up in some such way as this: We are living in a changing world and it is necessary, above all, for us to preserve an open mind; to welcome, not fear, change; to strive to adapt ourselves and our society to mutable conditions; to avoid the pitfalls of the cultivators of the irrational. Ever since the old order was disturbed by the revolutionary changes in politics, society and industry, individuals and nations have been longing for a sense of security, as is made evident by the manifestoes of discontented groups and the correspondence of diplomats during the past century. It is necessary, therefore, to create a world order that will guarantee to every nation the security which it desires, and to establish within each that industrial democracy which alone can bring to the individual the sense of security for which he longs.

For those who would establish permanent peace in the world and would look to history for guidance, these are its lessons. Incidentally, they square with common sense and Christianity. To teach these lessons, which is the task of the publicist and the educator, requires patience, tolerance, open-mindedness, vision and freedom from interference on the part of those who conceive it to be the teacher's duty to lend assistance in the cultivation of the irrational.

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[1] Towards a New World, Being the Reconstruction Programme of the British Labour Party.

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POLITICAL PHILOSOPHY AND A LEAGUE OF NATIONS[1]

IT was evident almost immediately upon the outbreak of the European war that the conflict was one of political ideals and that its outcome would determine the future of widely different and irreconcilable conceptions of the state, of the rights of peoples and of international relations. Between Great Britain and Germany especially, there were really two issues. The first as to method—law or necessity, the sanctity of treaties or "scraps of paper"—was relatively unimportant in comparison with the second which was fundamental—Prussianism or the rights of peoples, *Mittel-Europa* or a league of nations. Russia was at first, as she is still, an anomaly among the Allies, while the entrance of the United States into the war did not change but simply clarified the issue. *Machtpolitik*, happily, has met decisive defeat; but though the world may be made safe for democracy, Bolshevism may make democracy unsafe for the individual. The enthronement and enforcement of public right as the guiding principle between states are within the power of the Allies, but the application of the ideals they profess will be extraordinarily difficult; disaster lurks in the conflict of rights and interests now taking place at Paris.

Some of these broad problems of political science and the war have recently been dealt with by four writers. Their volumes are alike in that they are composed in large part of essays previously published, and in that the subject matter is either the same or closely related. But of chief interest is the attitude of mind of these four specialists, since obviously a better and more stable world can be secured only by thinking through the political problems of the war and, it may be added, by discarding altogether the *Realpolitik* which, while not prostituted in the Prussian sense, may not be altogether absent in the peace settlement, just as it has not been absent from the individualistic, competitive processes of modern democracies. What sort of political

[1] Prussian Political Philosophy. By Westel W. Willoughby. New York, D. Appleton and Company, 1918.—xi, 203 pp.

Government and the War. By Spenser Wilkinson. New York, R. M. McBride and Company, 1918.—xi, 268 pp.

Nationality and Government. By Alfred E. Zimmern. New York, R. M. McBride and Company, 1918.—xxiv, 364 pp.

Essays and Addresses in War Time. By James Bryce. New York, The Macmillan Company, 1918.—vi, 208 pp.

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thinking, then, is represented by these volumes? Theorizing is necessary because it was a theory that made civilization totter and it is only by theorizing that any progress can be made.

Professor Willoughby's argument is not unfamiliar. Since the first few weeks of the war we have had a stream of articles, pamphlets and books on Hegel, Treitschke, Bernhardi, and their teachings. The present indictment of the German system and the connection between the Prussian theory of the state and the Prussian theory of government, dispassionately but remorselessly established by the author, can well be the final word; the menace to democracy and to freedom is conclusively shown. Professor Willoughby's viewpoint, however, is largely that of the analytical philosopher, and his conception of the problem is, therefore, restricted. For, as Mr. Willoughby has elsewhere said, the analytical jurist envisages and studies the state "simply as an instrumentality for the creation and enforcement of law." Analytical political theory is "purely formalistic." It does not endeavor to seek substantive truth, but "to furnish an apparatus of thought by the employment of which public law thinking may be systematized and its various problems brought into legal harmony with one another." The present volume is, of course, not limited to this inquiry in connection with the German theory of the state; but half of it is devoted to the Prussian theory of monarchy, Prussian constitutional principles and system and ministerial responsibility in Germany. Other chapters deal with American political ideals and German propaganda. There is, therefore, not much space left for a consideration of political philosophy. One wonders whether Hegel's theories can properly be dismissed in half a dozen pages. "The philosophy which has made Germany a pariah among nations is not only political in nature but political in its origin and propagation," says Professor Willoughby; but may Hegel's political theory be separated from his metaphysics? And is it sufficient to treat solely the manifestations of the theory in the government of Germany, and its negation of international law and morality, without devoting some attention to the processes of thought by which the State God has been created and to the metaphysical dogmas that are relevant to politics? Is it not necessary to discuss how far such a theory of the state has been accepted and how far discarded by English philosophers like Green and Bosanquet, and how far Hegel has influenced modern social philosophers who, while softening his conceptions, are, nevertheless, sufficiently Hegelian (although they may not openly avow it) to do a great deal of harm? There is a well-known maxim to the effect that the wise should draw good

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out of that which is evil; and although Professor Willoughby's inquiry is restricted to governmental theory—purposely, and perhaps wisely so—he has, by comparing American and German constitutional ideals, shown the iniquitous character of the latter and what should at all costs be avoided.

The Prussian theory of the state has now been completely discredited, but, as has been said, we are by no means certain of being completely freed from some of its manifestations. In *Government and the War* Mr. Spenser Wilkinson gives us the fruits of his tenure for nine years of the Chichele professorship of military history at Oxford. A chapter on "England and Germany" shows great prescience in forecasting the war, and there are many acute observations on strategy with some references to military operations since August, 1914. Clausewitz, Jomini and Mahan are his oracles, and they are cited with few amendments or criticisms. But our concern is with Mr. Wilkinson's political philosophy. He discusses war as a natural and inevitable phenomenon, with not a word of its horrors or its possible prevention. In the past, nations have not attempted to secure peace but have sought for preponderance. "The truth cannot be too often repeated, that peace is never the object of policy; you cannot define peace except by reference to war, which is a means and never an end" (page 121). Perpetual peace is declared to be impossible.

> We cannot think of two co-existent states in relation with one another without admitting that their relation involves equally the possibility of agreement and of disagreement; nor can we think of necessary agreement between them except as imposed upon both of them by some external authority; in other words, except as a result of the merging of their separate autonomies into a single sovereignty supreme over both [page 37].

Nor, if permanent peace were possible, would it be altogether desirable.

> The experience of the ancient world suggests that the amalgamation of all existing States into one, which is the only imaginable mode in which the conception of universal peace could be attained, would change into monotony and uniformity, the diversity and variety of life, would be accompanied by stagnation, and would end in fresh divisions. The conception that peace can exist only on the basis of law or right, and that right can be established only through contest, has grown unfamiliar to our countrymen [page 59].

These words from an address in 1911 are allowed to stand un-

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amended in 1918. Even apart from their context, the excerpts do not misrepresent Professor Wilkinson. His voice is almost the voice of those Prussian philosophers whom Professor Willoughby so incisively criticises. When we read that "the ultimate justification of the existence of the State is inseparable from the call which it makes upon its citizens to sacrifice themselves as witnesses to the right or righteousness which it represents," and that without the conflict of states, "the evolution of the race could hardly proceed" (page 59), we perceive that although his philosophy is not so extreme as the Hegelian apotheosis, it affords no hope of avoiding another struggle even more horrible than that which has just racked the world.

It is a relief to turn from these sentiments to Mr. Zimmern's essays. His chapters on "German Culture" and "The New German Empire" supplement Professor Willoughby—more concretely and with more details of the fruition of the Prussian political philosophy. There are many wise remarks about education, reconstruction, the labor movement and self-government in industry. Mr. Zimmern endeavors to make it possible for every one to agree with him. He calls himself a liberal, and liberalism, he says, has two fundamental articles of faith. "The first is that right or wrong apply to public affairs. The second is that Justice and Liberty are the chief political goods, and Injustice and Servitude the chief political evils." But the crucial thesis of his book is to be found in the essays dealing with national aspirations.

Nationality he defines as a form of "corporate sentiment of peculiar intensity, intimacy, and dignity related to a definite home country" (page 52). One may find fault with the vagueness of this definition on the ground that it does not reveal the fact that the ties, whatever they may be—racial, religious, educational, linguistic, geographical—are so strong that subjection will not be endured. Nationality has a political significance which Mr. Zimmern is not only eager to criticise but even, in places, is prone to deny; and the problem of nationality will never be solved by refusing to recognize its political implications. Mr. Zimmern is a disciple of Lord Acton and repeatedly quotes from the latter's well-known essay on nationality in his *History of Freedom and Other Essays*, which brands the theory of nationality as "more absurd and more criminal than the theory of socialism." Mr. Zimmern neglects to state, however, that Lord Acton, when he wrote in 1862, had in mind the restoration of the temporal power of the Catholic Church.

Mr. Zimmern does not go quite so far as Lord Acton, but he does object to the political recognition of nationality on the ground that it

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would base the state not "on any universal principle such as justice or democracy, or collective consent, or on anything moral or universally human at all, but on something partial, arbitrary, and accidental" (page 47). There are fundamental objections to a purely political interpretation of nationality, for it,

> like religion is subjective; Statehood is objective. Nationality is psychological; Statehood is political. Nationality is a condition of mind; Statehood is a condition in law. Nationality is a spiritual possession; Statehood is an enforceable obligation. Nationality is a way of feeling, thinking and living; Statehood is a condition inseparable from all civilized ways of living [page 51].

Rightly regarded, nationality "is not a political but an educational conception." It has had a political importance "because wicked and autocratic governments have interfered with the social and traditional life and offended the deepest instincts of the nations concerned" (page 71). Mr. Zimmern apparently believes in nationality largely because its alternative is spiritual atrophy.

As would be expected, the author of *The Greek Commonwealth* puts in the forefront of his ideal for a better world the conception of the sovereign state,—not the State God, to be sure, but, nevertheless, a state which "takes orders from no one above it." He opposes any international council to provide a guarantee against war; "states are either sovereign or they are United or Federated; they cannot be half and half." The citizen cannot serve two Caesars; "there is no short cut to universal peace. War will only become obsolete after far-reaching changes have taken place in the mind and heart of civilized peoples. . . . It is useless to dream of making Europe a federated Commonwealth till the separate units of the potential Federation are themselves Commonwealths" (page 44). Not the principle of nationality, but the principle of toleration is necessary, and when the English people "invoke the principle of Nationality," what they really mean is "the principle of Democracy" (page 50). Like Lord Acton Mr. Zimmern believes that "the co-existence of several nations under the same state is a test as well as the best security of its freedom;" and he declares that

> all forward looking men who desire better international relations and a better political organization of the world must set their hope, not in the Nation State, which is only a stage, and in the West an outworn stage, in the political evolution of mankind, but in a State, which, like the great governing religious systems of the past, like mediaeval Christendom and Islam, find room for all sorts and conditions of communities and nations [page 64].

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The fault to be found with Mr. Zimmern's argument, it seems to me, is that he fails to think his problems through. It is perfectly true that the path to internationalism through small states is dangerous and uncertain. We must distinguish between true and false nationalism, but the sentiment of nationality is intractable and compelling and cannot be removed from politics unless it is recognized. Peoples asserting their national aspirations will not be satisfied with anything short of self-determination, and that Mr. Zimmern is unwilling to concede. Perhaps it is true that the best solution, ideally, would be to apply the principle of the commonwealth, but in urging this he overlooks two important facts: first, that self-determination in many cases would not decide in favor of the principle of the commonwealth; and second, that his ideals of liberty, justice and toleration are not accepted so universally as to make it certain that they would be placed at the basis of new, federated commonwealths. While Mr. Zimmern does not say so, his conclusions follow from his belief that the British Commonwealth is a magnificently successful experiment in international government. In this he is, of course, correct. But he forgets that certain portions of the British Commonwealth cherish nationalistic aspirations which, it is possible, may give rise to serious problems; that British success in the past is to be explained by the fact that the British Commonwealth has been of slow growth, which alone justifies hope for the continuance of that success in the future; and that British colonial government, in accordance with British ideals, has been marked by skill, tolerance and altruism. These conditions may not exist in other, newly created, composite states. But, in any event, the principle of federation depends upon the will to cooperate, and that means self-determination. Unity must be desired. Nation states may grow into federations; that is to be hoped. But if the peoples do not desire them, coercion would mean discord. Small states, furthermore, have distinct values although there is a measure of truth in Treitschke's indictment, not, however, because "weakness is the most reprehensible and the most contemptible" political sin, but because such states—Belgium is a recent and memorable example—afford opportunities for aggression.

Lord Bryce's discussion of nationality recognizes this. The clouds were beginning to lift and a successful ending of the war was in sight when his book was published. Some of the essays it contains are already well known in the United States, written as they were to explain the attitude of Great Britain and to secure the approval of neutral nations. Prussian political philosophy is examined in a paper on

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"The War State." Bernhardi is of great assistance to Lord Bryce, and his reliance on the German general is frequent. There are two thoughtful presidential addresses to the British Academy which avoid any reference to current politics. The most interesting suggestion in these addresses is that the impersonal character of the modern state is responsible for its lower standard of morality.

> In the sixteenth century the monarch, if he was not personally a base creature, had a certain sense of honour, and was amenable not only to the censures of the Church but to the dictates of chivalry, which, though chivalry never was quite what the romancers have painted it, had still a certain influence. . . . Is any trace of that spirit of chivalry left in our time? Or do those who now administer a state feel themselves to be like the soulless directors of an incorporated company, as compared with the individual landlord or employer of former days, who recognized a sort of quasi-feudal responsibility for those who tilled his lands or worked at his bidding? [page 123]

The most important chapters of Lord Bryce's volume, however, are two not previously published: "The Principle of Nationality and Its Applications" and "Concerning a Peace League," and in them the author makes his contribution to the great settlement.

The first of these chapters suggests little that is novel. Lord Bryce surveys all the issues of nationality in the settlement. His purpose is not to emphasize his own views without detailed arguments to support them, and it is clear that he holds few radical or unusual opinions. One important warning is given: The world needs to be on its guard against nationalities which have secured "a good press" and have journals, books, articles and organizations advocating their particular claims. The Peace Congress should not assume "responsibility for framing constitutions and erecting governments in States which the treaty of peace will call into existence," and when no arrangements can be made satisfactory to all the nationalities concerned, local self-government may be an effective solution. The fear is not fanciful that the task of the Peace Conference in redrawing the map of Europe on the basis of nationality and self-determination will prove so difficult that the conference may resort to short cuts and leave important claims unadjudicated. Every such injustice, every unsettled problem, may be the parent of a future war. Lord Bryce expects much from American influence "because the great republic of the West will stand impartial between the jarring interests which have hitherto affected the Governments of the European Powers in their dealing with the Near East, and because she has no selfish interests of her own to serve"

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(page 173). This will give the present Peace Congress an advantage over those which have preceded it.

A fitting conclusion to Lord Bryce's able and sane little volume—as to the three other books which have been considered—is found in his chapter on the "League of Nations." Peace has been the ideal for centuries, and three methods of securing it are suggested. One is "the Christian method in a new dress," the restraint of national patriotism and national selfishness and the recognition of an allegiance to humanity. This is Mr. Zimmern's liberalism and an enlargement of his principle of toleration. But its record affords no hope even for the most ardent optimists. Scant consideration is given to the "fantastic visions" of anarchists who would destroy war by destroying the state. The only practicable method is "that suggested by a consideration of the steps whereby law and order have been established within every civilized community." Three steps in advance are necessary: "(1) A body of rules constituting a law governing the relations of States; (2) impartial tribunals to decide controversies between States according to that law, and (3) a supra-national power to compel obedience to the judgment of those tribunals." There would thus "be a security against violence done by one nation to another resembling that which now exists within each State against violence done by one citizen to another."

Lord Bryce works these proposals out in some detail. His juristic mind is illumined by vast historical learning and his argument is sane and convincing, with full recognition of many difficulties. "If we do not try to make an end of war, war will make an end of us," he says. "With goodwill, with an unselfish devotion to the highest and most permanent interests of humanity, nothing is impossible," and now is the time to make the attempt, for never before have the reason and conscience of mankind been so thoroughly aroused. Failure cannot be worse than a continuance of international anarchy. Lord Bryce concludes his book with these fine words:

> If we let slip this opportunity for the provision of machinery by which the risk of future wars may be averted or reduced, another such opportunity may never present itself. If things are not made better after this war, the prospect will be darker than ever. Darker because the condition of the world will have grown so much worse that the recurrence of like calamities will have been recognized as a thing to be expected and the causes of those calamities as beyond all human cure. Rather let us strive that all the suffering this war has brought, all the sacrifices of heroic lives it has witnessed, shall not have been in vain.

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REVIEWS

The Biology of War. By G. F. NICOLAI. Translated by CONSTANCE A. GRANDE and JULIAN GRANDE. New York, The Century Company, 1918.—xxx, 553 pp.

Wide interest in this book among the English-speaking peoples, as on the continent of Europe, is partly adventitious. For publishing it Professor Nicolai was imprisoned. One wonders as one reads it why he was not hanged. Such a book, written and published in the United States in time of war by a citizen who believed and taught that the war was infamous and that our government deliberately and infamously began it, would have been held treasonable, beyond a doubt. Such being its character the volume has a documentary value as further evidence of German culpability. For example, the pages offer numerous gems like this.

> . . . one of our most highly educated military men asked me whether it might not be possible to hurl bombs loaded with cholera germs or plague bacilli behind the lines of the enemy. When I told him that this seemed rather purposeless and hardly humane, he replied, with a contemptuous wave of the hand, that humanity had nothing to do with this war; that Germany had full license for whatever it wished to do.

Also as a *tour de force* the book is likely to survive a long while among objects of intellectual *vertu*, for it was written in jail with no books of reference at hand, yet it is a remarkable compendium of scientific, historical and political facts.

Apart from these circumstances, nevertheless, the book is a serious work, well deserving of dispassionate study. It is rich in ideas, a considerable portion of which are recognizable as being of various coinages, issued before Dr. Nicolai began to philosophize, but not much worn by active circulation, and it offers a fairly well-organized account of the causes of war, an indictment of war and a study of how war may be abolished. As such it is already making an impression, if one may judge from press notices, and it appears probable that it is destined to exert real influence as a factor in anti-militaristic thought.

It would be unfortunate, therefore, if Dr. Nicolai's theses, which are distinctly challenging, should not be patiently examined and rigorously criticised. Though the translators assure us that he is not, in the

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common meaning of the word, a pacifist, and that he would by no means oppose defensive war under all circumstances, yet it is difficult for the reader to sidestep the conclusion that Dr. Nicolai is at bottom a pacifist of the sentimentalist (observe I do not say the sentimental) school. Although as a physiologist he finds the causes of war in the struggle for existence, nevertheless, as an idealist and humanitarian, he relies upon the progress of intelligence and a strengthening of the Christian sentiments to bring wars to an end. He writes long chapters to exhibit what was quite unnecessary to prove: the increasing destructiveness of war and the possibilities of human happiness if mankind, behaving rationally and reasonably, should cease to fight.

Like all true pacifists, moreover, he undervalues patriotism, which he very nearly identifies with chauvinism. It has been noticed in England and in the United States since 1914 that deprecation of patriotism has in these countries as a rule been associated with a pacifism that has not been pro-German. Dr. Nicolai's pages suggest a reasonable explanation. Germany has been patriotic and German patriotism has been chauvinism. If chauvinism were in fact the only kind of patriotism in the world, it would deserve all the bad things that have ever been said against it, but Dr. Nicolai admits, curiously enough, that there is another kind, which he calls "a new patriotism, American patriotism" (page 272). It is much to be regretted that he has not more comprehensively studied and better understood this new patriotism of the American people.

For if he understood it better, he would not dismiss it with the passing remark that it is "based on moral sentiment" without inquiring what underlies the sentiment. American patriotism is an expression of the practical purposes of more than a hundred million human beings of diverse origins, cooperating in a live-and-let-live way, in the improvement of a common opportunity. And this brings us to what is fundamentally inadequate and disappointing in Dr. Nicolai's thinking. Physiologist though he is, he has not emancipated himself from the Kantian-Hegelian conception of causation. It is metaphysical, not scientific, if by a scientific notion of causation we understand a sense of the relative dynamic values of the factors of a situation. Dr. Nicolai would properly be shocked if any one were to explain physiological fatigue in terms of good or bad intentions, yet it is in such terms that he talks about the problem of war. There is no great harm in that, perhaps, if one is admittedly talking idealism;—poetical, sentimental or speculative; but there is great harm in it when one is professedly talking physical science, as Dr. Nicolai thinks he is, since he

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calls his treatise "The Biology of War." If we are talking in terms of dynamic values and prefer not to talk nonsense, we must say that war will end when the sum of the measurable energies that make for peace exceeds the sum of the measurable energies that make for war. Mankind did not abandon cannibalism because mankind developed a moral sentiment repugnant to a diet of human flesh. Cannibalism was abandoned because somebody invented a hoe and then a plow. Chattel slavery was not abolished because humanitarianism abhorred it. It was abolished when the invention of the steam engine made it possible to sustain civilization without slavery. Modern democracy did not come into existence because the European world became interested in the brotherhood of man. It came into existence because geographical discovery and exploration opened up the Western Hemisphere into which men could flow and where by their individual efforts they could lead independent, self-reliant lives. Wars may cease when a way is found to make food and clothing so abundant that men would no more think of fighting for their respective shares than they think of fighting for atmospheric air under ordinary conditions. That day will not come, however, if with material abundance the human race increases in numbers until twenty million individuals dwell on each square kilometer instead of "only eleven" as now, and Dr. Nicolai gently remarks, "this number of human beings *is* attainable."

FRANKLIN H. GIDDINGS.

Alsace-Lorraine. Past, Present, and Future. By COLEMAN PHILLIPSON. New York, E. P. Dutton and Company, 1918.—327 pp.

The sections of this volume which describe the past of Alsace-Lorraine are more satisfactory than those which discuss its future. One reason for this is that the former are, on the whole, objective and the latter are dominated by the author's predilections for a certain future organization of the world; and another is that the latter do not appear to be an outgrowth and a natural conclusion of the former. Having read the first half of the book, the reader is surprised at the turn things take in the second half.

The author's account of the history of Alsace and Lorraine from the earliest times down to the beginning of the last decade of the nineteenth century, though in no sense profound or penetrating, is, in the main, supported by the evidence, though exception might be taken to statements here and there. There is an excellent chapter on the an-

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nexation of Alsace-Lorraine by Germany in 1871, which describes the military events and diplomatic negotiations by which it was brought about; another on the proposals as to the fate of the provinces after their conquest and Bismarck's opinions on the problem of assimilation; another containing the protests of 1871 against the annexation; and two chapters on the German claims to Alsace-Lorraine—the historical claims based on previous possession, the claims based on nationality, race and language, and those resting on political necessity, on military necessity and security, and finally those deduced from the right of conquest. Mr. Phillipson rejects as untenable all of these claims except the last, that of conquest. He asserts on page 86 that "it became abundantly clear, after the fall of Sedan, that the war against France was a war of spoliation" and quotes Bismarck as saying to Monod, concerning the alleged German origin of the Alsatians: "All this is a swindle. Even if the Alsatians had been Japanese, we would have annexed them just the same, because we had need of Metz and Strassburg from a strategic point of view." Yet Mr. Phillipson says, apropos of the war and its outcome:

> Now we cannot enter here into the question of the Ems telegram and into the allegations that are sometimes brought forward that Napoleon was wrongfully entrapped by Bismarck. In 1870 it was the belief throughout Europe that France was the aggressor, and that belief has generally prevailed since. Assuming, then, the belief to be founded on fact, we must conclude that the annexation of Alsace-Lorraine after its conquest, and its formal cession by the Treaty of Frankfort, was a valid act transferring the legal title of France thereto to Germany.

A good many things might be said concerning this paragraph. One is that if the legality of the transfer by treaty is based upon an assumption that a general belief is founded on fact, the reader is entitled to know whether the legality still persists in case it turns out that the belief was not founded on fact. Bismarck himself made the claim in his memoirs that he brought on the war by his handling of the Ems telegram, a claim which Mr. Phillipson does not consider either here or elsewhere in his book. "Assuming" things to be true which are not true is a summary and unsafe procedure in reaching conclusions in matters of gravity or even in matters of levity.

There are other assumptions in plenty or loose, hazardous and very questionable statements in this book. In chapter x the author treats of the movement for autonomy which was so important in Alsace-Lorraine from about 1890 down to the outbreak of the war. He calls

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this a "nationalist" movement, by which he evidently means that the Alsatians and Lorrainers have undergone a fundamental change during the last generation, that they have become conscious of their own collective individuality and are no longer French or German, although his manifest belief is that they would vote to remain in Germany could they attain the complete statehood of Baden or Bavaria or Prussia. They have

> in the twenty-five years before the present war, developed a distinctive personality and their own particular ideals of nationalism and self-government. Thus Alsace-Lorraine is neither French nor German; it is itself. . . . If Alsace-Lorraine has any noticeable affinity with any neighboring country at all, it is perhaps Switzerland.

Again,

> we have emphasized more than once that, speaking generally, the Alsace-Lorrainers are neither French nor Germans; they are Alsace-Lorrainers with ideals of their own the fulfillment of which the great majority of them seek neither in France nor in Germany, but in Alsace-Lorraine.

This thought we meet very early and very late in the book. On page 38 the author writes: "The native Alsatians are neither French nor German in character, temperament and ideals; they are Alsatians, showing certain characteristics of the rival nations and differing markedly from both in many other qualities." One is tempted to inquire whether the Bretons are "French," whether the Provençals are "French" and also whether the Alsatians knew what they were talking about when, in their passionate and pathetic protests of 1871, they declared that they were French and desired to remain French.

The autonomist movement was simply a new form of protest against German rule. It was not a "nationalist" movement in the sense in which that word is currently used. It expressed the desire of the people to govern themselves, so that they might prevent that Germanization which every agency of the German Empire was trying to bring about. It did not mean estrangement from France, or a growing indifference to her. On the contrary, the only possible method whereby the people might hope to keep open their cultural and ideal connections with France was by getting control, among other things, of their own system of education, of their courts, police and administration, and by preventing these from being used, as they have been since 1871, for purposes of stamping out all French reminders and associa-

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tions. Yet Mr. Phillipson, speaking of this desire for autonomy, says, "It is difficult to see how such object could be realized if the territory were incorporated within the framework of France; whereas it is capable of full and complete realization within the framework of the German Empire." As the people of the territory would get within the framework of France the very things they have been clamoring for and which have been steadily denied them within the German Empire, they ought, it would seem, to be reasonably satisfied.

Indeed, the critical acumen of our author frequently leaves something to be desired. On page 29, for instance, he says,

> At all events, whether Alsace-Lorraine is the cause of the present war or not, there is no doubt that the failure to reach an agreement on the question during the course of the hostilities was the main reason for continuing this widespread and sanguinary conflict. Thus, Baron von Kühlmann, the German Foreign Secretary, said in the Reichstag, October 9, 1917: "After a very thorough investigation of the whole situation, according to information derived from the most diverse sources, I am convinced that the great question around which the struggle of the nations centres, and for which they are shedding their blood, is not, in the first instance, the Belgian question. The question for which Europe is being turned more and more into a heap of ruins is the question of the future of Alsace-Lorraine."

Of course Kühlmann was not born and brought up in Constantinople for nothing. There were some elements of worldliness, almost of guile, about him, even as Foreign Secretary. His remarks about the sole and highly parochial cause for which the Allies were fighting may, perchance, have been intended to divide those Allies. Kühlmann is not to be quoted as a disinterested authority on the continuing cause of the war. And we ought to make it a point of pride not to be as ineffably naïve as Kühlmann hoped we should be. "There are many things," says Sir Thomas Browne, "to be taken in a soft and flexible sense."

Mr. Phillipson is no believer in the re-annexation of Alsace-Lorraine to France by force of arms. He sees only difficulties in the way, nor does he sympathize with the object. His language is not characterized by excessive sobriety, nor is his judgment.

> The Germans are just as determined to hold Alsace-Lorraine as they are to hold Berlin. To overcome this determination by force of arms will mean to break the Central Empires into fragments and to annihilate the Germanic population. To achieve such a result would necessitate such unspeakably appalling slaughter, destruction, and sacrifice on all sides as

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would leave Europe a shambles and without any population at all. Is the result worth the cost? Only an unreasoning fanatic would answer this question in the affirmative [page 236].

We get further insight into the author's mind on page 240.

There can be no doubt that a forcible retrocession of Alsace-Lorraine to France cannot be a true solution; for a true solution necessitates an amicable accommodation and voluntary agreement of the parties concerned. . . . If, by reason of a decisive defeat, Germany felt constrained to abandon the territory, her resulting grievance would be a far greater menace to the peace of Europe than the grievance of France proved to be after 1871; a society or partnership of nations together with disarmament agreements could not then possibly be established; the existence of a festering sore in the very heart of Europe would render impossible frank and healthful international relationships, and would perpetuate those shadows, suspicions and fears which it is the business of a salutary régime to remove and prevent.

One is inclined to ask why, if there is to be a festering sore, it might not as well be lodged in Germany as in France. A certain reciprocity in suffering would seem only fair. Moreover, the mystic powers of the League of Nations to heal all the peccant humors of the body politic would have as good an opportunity for display in the one case as in the other.

We are not surprised, after these passages, at being told that to deprive Germany of the Lorraine iron mines which she conquered in 1871 "would not be to the economic advantage of Europe generally, and would inflict on a great industrial nation an unparalleled economic disaster, whilst the interests of peace would not thereby be advanced." The author is really quite as gentle with the Germans as the latter could reasonably expect.

In closing this review, we must finally let the secret out. Mr. Phillipson belongs to that class, which had its hour upon the stage and then was heard some more, of believers in a negotiated peace, in peace without victory. In recommending the plebiscite, he says,

the best way to ascertain the sense of the population is by asking, without threats or pressure, each citizen to express his true sentiments and wishes; and the best time and circumstances in which to ascertain this is not when one or other alliance of belligerents is being worsted or has been vanquished, but when neither side can properly claim an outstanding victory, and when the terms of peace can be arranged by negotiation and compromise instead of being dictated at the point of the bayonet by a victorious belligerent.

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This, unhappily, is a counsel of perfection. It is not now feasible. The austere joys of peace without victory are denied us, and we must make the best of the situation. Still we may find consolation in the fact that, although no plebiscite has as yet been held in Alsace-Lorraine, essential justice has perhaps been done. The *Kölnische Zeitung*, when it recently learned of the reception accorded the French when they entered Colmar and Saverne and Wissembourg, said: "It is better not to deceive ourselves with illusions. The hatred of Germany shows itself all through Alsace with the violence of a hurricane. The French are received, in a delirium of enthusiasm, as true liberators."

CHARLES DOWNER HAZEN.

Ireland, a Study in Nationalism. By FRANCIS HACKETT. New York, B. E. Huebsch, 1918.—viii, 404 pp.

L'Irlande dans la Crise Universelle. By LOUIS TREGUIZ. Paris, Félix Alcan, 1918.—vi, 279 pp.

For a scholar to write upon the Irish question at the present time requires no little courage, but both Mr. Hackett and M. Tréguiz have retained their sense of perspective and avoided for the most part the exaggerated partisanship which has marred the vast majority of books written in the last half dozen years about Ireland. Mr. Hackett's purpose has been to give Americans information of the difficulties existing among the people he loves so well, while M. Tréguiz has tried to render a similar service to the French. With the Irish question approaching the position of an international problem, these books are especially timely and welcome.

Mr. Hackett was born in Ireland and his love for the land of his birth is apparent in every chapter. To those familiar with his editorial work on the *Chicago Evening Post* and the *New Republic*, it is unnecessary to say that his book is interesting; at times, indeed, the reader is almost carried away by his charming style. Without the profundity of Paul-Dubois's *Contemporary Ireland*, or the comprehensiveness of Childers' *The Framework of Home Rule*, Mr. Hackett's volume is worthy of careful consideration by those interested in Irish affairs; and to the average reader the absence of the *impedimenta* necessarily associated with doctoral dissertations will not be disappointing.

Throughout the book, nationalism is emphasized as the central fact in the minds of the Irish, and the author shows with real skill how economic maltreatment and administrative bungling have strengthened the

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bonds of nationality, and how, in each succeeding epoch, the ancient grievances—the Ulster settlements, the Cromwellian conquest and the confiscations of William of Orange—have been recalled to the minds of the Irish by some new outrage to their country. The injustice of the English administration in the eighteenth century and the gross corruption connected with the granting as well as with the withdrawal of legislative independence, are already well known; but few are aware how terrible was the breakdown of the administration of Ireland during the famine of 1845 which occasioned the death of three-quarters of a million people. Mr. Hackett says,

> An organizer like Mr. Hoover might have saved most of them [the starving people] if permitted to do so, but during that great hunger the following excellent foods were sold and allowed to leave Ireland: 572,485 head of cattle; 839,118 sheep; 699,021 pigs; 2,532,839 qrs. of oats; 1,821,091 cwts. of oatmeal; 455,256 qrs. of wheat; 1,494,852 cwts. of wheatmeal. These would have prevented famine, but in the absence of self-government an embargo was impossible to Irishmen (page 74). . . . The landlords took the grain crop for their rents; [and] vastly more grain was exported for sale than was imported for charity (page 149).

Since 1845 much has been done to alleviate intolerable economic conditions, but Mr. Hackett calls attention to the discrimination made by the railways against agricultural Ireland.

> It cost 14s 10d per ton to ship bacon from Cork to Tipperary, as against 14s 4d from Liverpool to Tipperary, via Cork, the railway route in both cases being the same. It cost £5 per ton for salmon from Limerick to London, as compared with 27s from Denmark, and £3 10s from Norway (page 171).

Moreover, he cites a recent report describing the housing conditions in Dublin, which are so bad as almost to baffle belief. Twenty thousand families live in tenements of only one room; and in thousands of cases families of from five to nine exist therein, and "often the entire family sleeps in a single 'bed'" (page 192). Yet in the face of such conditions, the Imperial Government has made no attempt to economize by reducing the scandalous extravagance of Irish administration, which pays the lord lieutenant £20,000 a year with an allowance of £45,000 for household expenses, which expends one-third as much for judicial salaries as does England with a population nine times as great and which provides an unsympathetic constabulary of 12,000 whose upkeep is twice as great in proportion to the population as in England and three times as great as in Scotland.

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Mr. Hackett does not anticipate that the Roman Catholic clergy will play a very important rôle in an independent or self-governing Ireland. He insists that in the past the papacy and hierarchy have been most submissive to the wishes of English statesmen. If he were only able to convince the Irish Protestants of the forgiving spirit of the Catholic Church, at least half the opposition to Home Rule would cease.

On the whole, Mr. Hackett underrates the beneficial effect of the land acts, which have turned over to the peasantry nearly two-thirds of the land capable of tillage. Although he does well to complain of the high selling price of the land, which has meant great profit to the former owner and an excessive burden on the British Exchequer, he should concede that the increasing cost of land, at least since the Land Act of 1909, has been caused quite as much by the senseless competition of the land-hungry peasantry as by the inordinate greed of the landlords.

Upon two subjects this work is particularly disappointing. First, the author devotes too little attention to the influence of the Irish-Americans upon the Sinn Fein movement; it is to be hoped that in the near future he will give us a book upon the part played by the Irish and Irish-Americans in world politics since 1914. In the second place, his treatment of the Home Rule Convention seems inadequate in the face of the importance attached by the English Government to this attempt to solve the Irish problem.

Despite some shortcomings, *Ireland, a Study in Nationalism*, is, however, an excellent work that ought to commend itself to such as wish to read the truth about Home Rule as seen by a fair-minded, but exceedingly patriotic Irishman, who feels that the fate of his country in the past has been not only a misfortune for her, but a veritable nightmare to England. It is very unfortunate that so good a book should not be provided with an index.

M. Tréguiz's book is neither so brilliant nor so diffuse. He, too, emphasizes the idea of nationality in keeping Ireland discontented with any half-way measures looking toward Home Rule. The author is a French Celt and is very sympathetic toward the Irish. Like Mr. Hackett's work, his is no "detached" study of Irish questions, for M. Tréguiz feels too acutely to be a mere recorder of events. But when has any one written about Ireland in a dispassionate manner! Yet the author is eminently fair and constantly supports his contentions by frequent citation of contemporary periodicals and speeches. In a book intended for Frenchmen, the spirited editorials from Irish

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newspapers and the speeches of Devlin, Redmond, Carson and Lloyd-George are, of course, translated into French, to the loss, it must be admitted, of much of their force.

The author steadily insists on the great significance of the cultural element in the development of the nationalistic movement. He criticises almost as severely as does Mr. Hackett the economic policy of the Imperial Government, and in measured terms condemns the misgovernment of Dublin Castle. He, too, is surprised at Great Britain's mental strabismus in failing to punish Sir Edward Carson as a traitor in 1914. The appointment of Sir Edward to the War Cabinet when Home Rule was still a live issue and the selection of Viscount John French as Lord Lieutenant must have been received by the Irish as gratuitous insults. The treatment of the Sinn Fein movement is most satisfactory, and the part played by the Irish-Americans is stressed. It is well to note that M. Tréguiz suggests (what the radical Sinn-Feiners have always claimed) that Sir Roger Casement came from Germany to Ireland, not to foment the Easter Rebellion but to prevent it, thinking that Germany could not win the war and that Ireland would needlessly sacrifice her chances of Home Rule by allying herself with the Central Powers. He also describes the efforts of the Sinn-Feiners and Irish Nationalists to make Home Rule an imperial question to be decided by an imperial federation. Indeed one house of the Australian legislature with only two dissenting voices expressed itself as favoring the Irish demands for Home Rule. Some of the Irish Nationalists and Sinn-Feiners went so far as to claim that the refusal of Home Rule would strengthen the hands of the Irish-Americans and German-Americans and keep America out of the war. It seems probable, however, that the author's enthusiasm has led him to make too much of the part played in the great war by the native Irish and by their brethren overseas.

One oft-repeated statement—that the Irish have profiteered in the war—M. Tréguiz indignantly denies. He insists (page 215) that unemployment in Ireland is, in proportion to the population, more than eight times as great as in England and more than eleven times as great as in Scotland.

Like all writers who are forced to depend so largely upon contemporary newspaper material, M. Tréguiz is at times uncritical. He gives too much weight, in all probability, to the speeches of the late John Redmond, who was first of all a politician, and whose hold upon his party does not seem to have been so great as that of John Dillon, his successor as leader of the Irish Nationalists. Too much importance

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is paid to the Unionist press of Ulster and the Sinn Fein organs in the south and west of Ireland. In one place (page 120) the author even hazards a quotation from the *New York American!*

The work, when judged by war standards, is remarkably free from errors. Only one is at all worthy of note. The author speaks (page 8) of "une série de Land Acts dont le dernier date de 1903," and again (page 45) of the Land Act of 1913. The most recent Land Act was that of 1909. The so-called "act" of 1913 never passed through Parliament as it was withdrawn by the ministry.

Such minor criticisms as these detract little from the value of M. Tréguiz's work, which is a real contribution to our knowledge of a most perplexing problem, and it is a tribute to the author's knowledge and fair-mindedness that he has been able to produce a book covering so extensive and debatable a field and yet so little marred by partisanship. The reviewer regrets only that the work was written before the Home Rule Convention had begun its sessions.

Of the two books the first is the more interesting, the second the more impartial and comprehensive. Both add much to our information of England's most vexatious problem.

WILLIAM THOMAS MORGAN.

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England and Germany, 1740–1914. By BERNADOTTE E. SCHMITT. Princeton, Princeton University Press, 1916.—524 pp.

The world war was a signal to many to rush into print. Poet and peasant, philosopher and bootblack, all felt an inner call to write war books. The result was the appearance of countless volumes on various phases of the war, nearly all trashy, unreliable and, of course, bitterly partisan. Among the very few that are valuable is this volume by Mr. Schmitt, who, to the credit of American scholarship, has shown that it is possible to write a book on the causes of the world war that is sane, authoritative, fair and yet decidedly pro-Ally and especially pro-English. The title is somewhat misleading, as almost the entire volume is devoted to Anglo-German relations since 1870.

England, as the author truly says, has been the chief guardian of the balance of power; time and again she has used her forces to strike down those who sought to dominate Europe. Hence when, in August, 1914, she took up arms to withstand the German onslaught, she was but playing her historic rôle.

Was the world war mainly a struggle between Germany and Russia;

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or between Germany and France; or between Germany and England; or between Germany and America? If bitterness of feeling is any evidence, it was England that Germany considered her chief antagonist. England is the subject of the Hymn of Hate. And yet no historic enmity existed between these two peoples, who had always lived in peace and amity with each other. According to Mr. Schmitt, the chief cause of Anglo-German enmity was economic and territorial rivalry. In several illuminating chapters he discusses the economic advance of Germany and its effect upon England. Germany's industrial development has been the most striking phenomenon of modern times. In one generation a "peasant land" became a beehive of industry and the rival of the "workshop of the world," England. Germany exceeded the latter as a producer of iron and was not far behind her as a producer of coal, the two pillars of modern industry. In the export of manufactured articles Germany was rapidly advancing to the side of England. And yet, as Mr. Schmitt shows, England was not suffering because of German competition; on the contrary, she was not only holding her own, but her trade was rapidly expanding. What she was losing was not world trade but monopoly of world trade. England's "jealousy" of Germany was in truth the sentiment of the tariff reformers, who were repudiated by the English people in the elections of 1906 and in the two elections of 1910. Indeed there was general admiration in England for German efficiency and foresight, and Englishmen were urged to improve their business and educational methods in order that they might better compete with their rivals in trade. But this was not the case with the Germans. An *idée fixe* took hold of Germany, where large sections of the people firmly believed that England regarded their prosperity with hatred and envy, and that she was constantly plotting to destroy them. An article written by an irresponsible journalist in the *Saturday Review*, the organ of a High Tory clique, demanding the destruction of Germany, was widely quoted in that country, where it was believed that in this article Britain had spoken her true mind. The imperial preference movement, championed by *The Round Table*, and other British periodicals, convinced many Germans that England was preparing to shut out their country from access to the raw materials of the British Empire. The Junkers, for reasons of their own, fanned the hatred of England into a glowing flame with results that we all know.

Territorial ambition was another cause of Anglo-German rivalry. The lack of a great colonial empire was, according to the Germans, the one defect in their otherwise perfect system. Their prosperity,

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instead of satisfying them, made them all the more discontented with their territorial lot. To whatever part of the world map they looked, they saw "red." It seemed scandalous to the victors of Sedan that wide areas of the world should belong to a people whose military power was so badly shaken by a handful of Boers. England was the new "sick man," whose estate could easily be seized by those who had the strength of will and the strength of arm. German ambitions in North Africa and Asia Minor were in truth balked by Great Britain for the very good reason that she feared that Germany's increased power would be used against her. She had to back up France in the Morocco dispute unless she was willing to face the Triple Alliance single-handed. She had to forbid the extension of the Bagdad Railway to the Persian Gulf unless she wished her route to India to be endangered. It is well known now that England was more than willing to make "room" for Germany in Africa and Asia. The arrangements with that end in view, made on the eve of the world war by Prince Lichnowsky and that high-souled lover of peace, Sir Edward Grey, were nullified by the military clique in Wilhelmstrasse, who would be satisfied with nothing less than the destruction of the British Empire.

In an admirable chapter on "The Admiralty of the Atlantic," Mr. Schmitt clearly shows that England had grown accustomed to the German navy and had tried time and again to abate the fierce naval rivalry between the two nations. To her request for a "naval holiday," Germany turned a face of flint because she would not brook British supremacy on the seas. She refused to recognize that naval supremacy in time of war was a life-and-death matter for England with her scattered empire and low food production, just as military supremacy was essential to Germany with her exposed frontiers. In spite of Tory insistence, England rejected conscription, for she had no desire to challenge the German army. But Germany was eager to challenge the British navy. Even the Asquith Ministry, composed of "Little-Englanders" and peace lovers, were compelled to maintain the two-power standard. To refuse would have been to invite disaster to their country.

The book contains excellent chapters on the various international questions, such as the Morocco Affair, the Near East, the Triple Entente and the diplomatic situation preceding the world war, but here the author is on well-traveled ground. His real contribution is on Anglo-German rivalry. In the opinion of the reviewer, the book should be in the library of every serious student of European affairs.

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What is "National Honor"? The Challenge of the Reconstruction. By LEO PERLA, with a special Introduction by NORMAN ANGELL. New York, The Macmillan Company, 1918.—xxix, 211 pp.

The author of the present work, finding that all previous devices to prevent war have failed, proposes to substitute for the troublesome conception of "national honor" the higher ideal of "international honor," and by "emotional appeals" and appropriate "advertising" to create the "international heart" upon which, as he declares, "international honor will rest as upon the rock of Gibraltar." To this end he would employ the "drama and moving pictures," and enlist the services, perhaps not so much of professional advertising men, whom apparently he has not as yet consulted, as of historians, teachers in the public schools and other creators of emotion by more delicate and more refined methods. His thought appears to be that, as force plays so large a part in the affairs of the world, the new movement must harness to its car that great incentive to interest and activity which the expectation of a fight, whether between human beings or inferior animals, invariably stimulates.

The author, considering the time to be "ripe for the shaping of this yet nebulous idea into a comprehensive policy," unhesitatingly affirms that "without question this task seems to belong first to America;" indeed, he declares that, "as a matter of fact, she has already embarked on this mission." Accepting his word on this point as sufficient, we may still be justified in examining some of the assumptions of fact or of experience which he ventures to make.

The author advances the proposition that the moment a class "ideal," such as "honor," is embraced "by a more comprehensive group," the "particular class honor disappears." In proof, he tells us (page 194) that "when the separate states of America federated into the American Union, the class 'states' ceased to be a moral absolute, and consequently the code of honor that characterized states as distinct moral entities became an anachronism." The reader, somewhat startled, would reserve judgment, had not the author, only a few pages away (page 190), already asserted that "by creating a sentiment of international honor in a world federation, national honor would gradually disappear, just as aggressive state honor ceased to exist when the United States was confederated, even though state loyalties had been passionately strong, and interstate hatreds and antagonisms equally violent." And yet, can the author be unacquainted

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with the fact that, seventy years after the Union was formed, "state honor" remained sufficiently aggressive to sustain one of the greatest of all civil wars?

Again, the author, in deprecating the defects of past arrangements, repeatedly affirms (pages 4, 5, 27, 30, 108, 151) that the Hague Convention for the pacific settlement of international disputes "decided to arbitrate everything" "except matters of honor and vital interests." In reality, while the convention did not make arbitration compulsory, it excepted nothing from the scope of the process. On the contrary, it declared (Article 39) that arbitration might "embrace any dispute or only disputes of a certain category." The author, evidently never having read the treaty, confuses the arbitral provisions with those for the constitution of international courts of inquiry. He cites Holls; but, if he had carefully read that writer, he would find that the exception of "national honor and vital interests" was considered specially important in connection with courts of inquiry, lest they might pry into disagreeable facts which it would be a point of "honor" to suppress or conceal.

The author, accepting the assertions of writers who were trying to produce a particular emotion, speaks of the so-called "Bryan treaties" as "all-inclusive arbitration treaties." Had he examined their text he would have found that, far from providing for arbitration, they expressly declare that, after the commission of investigation shall have made its report, the parties shall reserve full liberty of action. We are told (page 51) that "the British authorities in 1841 permitted the *Creole* to go free though it carried a slave cargo." As authority the author quotes a passage which shows the contrary, the quoted passage correctly stating that the British authorities "permitted the slave cargo" of the ship "to go free." In other words, the slaves were liberated.

The author devotes fifty pages to quotations illustrating various phases of the conception of "national honor." He finds nothing definite or consistent in them. In this conclusion he is fully justified. To attempt to define "national honor" is a mere waste of words. It is purely a fighting term, signifying that the government, no matter what may be its object, prefers to take the chances of war. When, in the celebrated case of the Alabama claims, the British Government declined, in the first instance, a proposal for an amicable settlement, it justified its attitude by declaring that the question at issue involved its "honor." Seven years later, having concluded that it would be better to settle than to fight, it agreed to arbitration. The case of

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the *Creole* underwent a similar transformation, being eventually ended by arbitration. The fact is notorious that in some countries men resort to the courts in cases which in other countries are "settled" only by duels or street fights; and the difference is due to the cultivation in the former of moral and social conceptions which subordinate emotionalism and hysteria to the operation of rational processes.

The author speaks of the "clarity" with which the Monroe Doctrine is expressed, and intimates that "many wars have been averted" through its "clear and definite articulation." This view, which has the merit of novelty, would not have been accepted by the eminent diplomatist who declared that the Monroe Doctrine was a "facile potentiality," nor indeed by that President of the United States lately deceased who, in a post-prandial speech, said that it meant "keep off the grass." Such interpretations have been and still are very prevalent. They are not scientifically precise; they are indeed vague and expansive; but they are intended to be highly and actively suggestive. Probably those who have employed them have for that reason ascribed to them a deterrent effect.

J. B. MOORE.

The Enforcement of International Law through Municipal Law in the United States. By PHILIP QUINCY WRIGHT. Urbana, University of Illinois, 1916.—265 pp.

This is one of the few attempts in American legal literature to apply the methods of analytical jurisprudence to the field of international law. The author has done for the United States what writers like Anzilotti, Marinoni, Triepel, Kauffmann, Cavalcante, Picciotto and others have attempted for other countries in that he has endeavored to work out the *duties* of the United States in international law and the extent to which the performance of those duties is enforced upon public officers and individuals through the machinery of municipal law. The work leaves out of account those rules of international law, if they may be called law, which directly prescribe conduct for the sovereign power of the state itself, observance of which is left to the political discretion of the government. Such are, for example, rules on the question of recognition. In cases where municipal law has filled in any details for carrying out such state acts, it may be regarded as supplementary to international law and as such is treated by the author. He has also left out of account those duties of the United States which are directly enforceable between state and state through diplomatic

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negotiation, arbitration or other means. The work undertakes to confine itself to a study of that part of our municipal law, including treaties, statutes, executive orders and judicial decisions, by which international duties of the United States have been enforced through direct action upon governmental agencies or upon individuals, either private or public. But inasmuch as little distinction appears to have been made between self-executing treaties and others, there has been some invasion of the rules of international law binding directly and solely upon the sovereign and beyond the power of municipal law to control.

The international duties of the United States are discussed in four parts under four distinctive divisions of international status as affected by war, namely: (1) duties in time of peace; (2) duties as a neutral; (3) duties as a belligerent toward neutrals; and (4) duties toward enemies. In the last division, however, the extent of legal duty is necessarily narrow where fear of reprisal operates as the principal limitation upon unrestricted action, at least so far as public enemy persons and property are concerned. Within these four divisions the duties of the government are classified, where possible, under five heads: (1) abstention, applied, among other matters, to the forbearance of exercise of jurisdiction beyond the territory; (2) acquiescence, applied to limitations upon territorial jurisdiction; (3) prevention, embracing measures by which the government prevents its citizens or officers from injuring foreign states or citizens; (4) vindication, or active performance of its own primary duties toward other states, *e. g.*, extradition; and (5) reparation, or the secondary duty of making good a breach of primary duty. In the first part, on peace, which takes up about half the book, the full classification is discussed; in the other divisions, only some of these heads, principally abstention and prevention, find a place. Within this arrangement practically the whole field of international law, in so far as it is expressed in a municipal form, has been dealt with. As the first systematic attempt to discuss this department of our municipal law and to apply to it the analytical method, the work warrants hearty commendation. Nor is its importance seriously weakened by the fact that its legal analysis is occasionally juristically unsatisfactory. Thus, the author's statement (page 18) that "it is possible to discuss any body of law in terms of either rights or duties; either privileges or obligations; either liberties or restrictions," is too simple for legal accuracy. Legal relations are more complicated. The author allows no place for power and liability, disability and immunity, not to mention the unclear use of the words "privilege" and "liberty." Pro-

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fessor Hohfeld's valuable analysis of jural correlatives and opposites published in volume twenty-three of the *Yale Law Journal* would have been of much assistance to the learned author. In the sentence (page 18), "Every right implies a duty on the part of others to expect its observance," the words "right" and "duty" are evidently misplaced. On the whole, these two important terms are used in a more strictly juristic sense than by most legal writers. The "right" of a belligerent "to draft resident aliens into its armies" (page 144) is more than questionable, as is evidenced by recent action of the Department of State and of Congress in response to neutral foreign protests. Parts iii and iv consist largely of an analysis of the Hague Conventions (which, so far as they relate to land war, are not strictly followed in our manual of land warfare) and of a useful discussion of prize law. Throughout the book there is less theoretical discussion than in similar works published on the continent. Nevertheless, as an analytical study in positive law it discloses a high standard of scholarship and much discriminating thought. It is a decided contribution to the literature of international law.

EDWIN M. BORCHARD.

YALE UNIVERSITY.

The New State: Group Organization the Solution of Popular Government. By M. P. FOLLETT. New York, Longmans, Green and Company, 1918.—vii, 373 pp.

It is a little difficult to outline Miss Follett's thesis without feeling that one has done her too great or too little justice. It is something like this: Representative government as operated through the medium of political parties is a failure because it is founded upon the principle or law of the crowd. The group process as distinguished from the crowd process is the only hope of democracy. What is this group process? It is a somewhat subtle thing. It is so complete an "interpenetration" of the minds of the group that it has nothing whatever to do with the familiar process of striking a balance or compromise of views. "The core of the social process is not likeness, but the harmonizing of difference through interpenetration" (page 34). Another (or perhaps the same) "core of the group process is creating" (page 42). So also (or again) "*the will to will the common will* is the core" (page 49). The group in contrast with the crowd "stimulates thought," "distinguishes between fervor and wisdom," is unmoved by eloquence, thrives on self-control, restraint, discipline, is "an articulated whole" (pages 86, 87). Moreover, no member of the group is

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to sit silent, for "the psychic coherence of the group can be obtained only by the full contribution of every member" (page 26). Properly conceived, individual liberty consists in obedience to "the group we have helped to make and of which we are an integral part"; to obey the group "is to be free because we are thus obeying ourself" (page 138)—presumably, our "interpenetrated" self. So much, briefly, for the group process and the relation of the individual to it.

But there are innumerable groups, and each individual is a member of them; in fact his "aim must be to live consciously in more and more group relations" (page 101) and to give his *all*, not a fraction of himself, to each of them. While each group is creating the group mind, the groups must be interpenetrating one another through some undescribed method, as well as through the medium of the individual, who carries the group mind in the making (which is also his own mind) from group to group. Miss Follett's thought is always upon the act of creating, upon the process, not upon the thing created.

Of all the groups the neighborhood group is the most important. Above this should be intermediary or district groups sending representatives to city councils and state legislatures (page 246) and presumably also to Congress, although later, we are introduced to a somewhat vague conception of a new kind of federalism which "must live through: (1) the reality of the group, (2) the expanding group, (3) the ascending group or unifying process" (page 301). Whether in this "group and group and ascending group" (page 302) state groups are to occupy toward the national group a relation similar to that proposed for the lower hierarchy is not made clear.

But occupational groups must also find representation in the state, either independently or through inclusion by some means in the neighborhood group (page 321). The author, however, does not subscribe to the views of pluralists who would substitute for the existing system of particularistic representation the representation of particularistic occupational groups, especially where the minds of such groups are gauged by the crowd process of counting of heads instead of being formed by the group process of interpenetration. So much, briefly, for Miss Follett's conception of the relation of groups to the functioning of the state. From her conception of the state as a process rather than an entity a world state flows as of course.

Every thinking and observing person must recognize that between the theory and the practice of our present system of representation there is a prodigious hiatus of the unrealized. Does this arise from a machinery of politics that makes the formation and expression of pub-

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lic opinion difficult or does it arise from our undeveloped capacity for cooperative activity? Miss Follett neither puts nor answers this question as such. But through her entire discourse she certainly rates both our capacity and our desire for cooperation far above anything that is warranted by the facts of our life. Her major premise with respect to the group rests upon the assumption that every individual has a positive opinion, no matter how acquired, on every public question. Otherwise how can "every member" make his "full contribution" to the cause of interpenetration. A further assumption is that, being possessed of opinion, every individual is obsessed with longing to substitute for it the opinion which one of his groups has formed by the process of interpenetration. Now the fact seems to be that even on important public questions absence of positive opinion, amounting to total ignorance or complete indifference or settled indetermination, is as often the rule as the exception. And the further fact is that those who have positive opinions are commonly those who are most willing to penetrate but least willing to be penetrated. The difficulties of the "group process" that arise from these facts concerning individuals do not differ in kind from those that are encountered when we consider the process of the interpenetration of groups. And this is not to mention the mental state of the poor fellow who finds that, try as he may, the mind of one of his groups (which is also his own) will not flow into and integrate with the mind of another (which is also his own). No doubt one may be pardoned, too, for cherishing a high regard for the unhappy order that is, when he contemplates possible membership in numerous groups in which each of his fellow members feels a compelling urge to make his "full contribution" to the collective mind, or for resenting an apotheosis of the group idea which apparently goes to the length of advocating group punishment for individual offenses. If this is, as Miss Follett alleges (page 109), a disciplinary practice of the American army, surely the Germans have but to prove the acts of *franc tireurs* in Belgium in order to justify collective punishments which most of us regard as atrocities.

One is strongly tempted to isolate some of Miss Follett's passages and hold them up at least for gentle banter, but the author's purpose is too manifestly sincere and intense to permit of that. Her discourse throbs with passionate conviction. At times it almost sounds a note of religious ecstacy. And yet one somehow gathers the impression that Miss Follett conceives that she is offering an immediately practical solution for a practical problem. Her notion of practicalness may perhaps be measured by her praise for Borough President Marks's

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abortive plan of neighborhood commissions, the inanition of which "does not . . . detract from the value of the plan as a suggestion" (page 255, n.).

Miss Follett knows her Hegel, her Duguit, her James, her Roscoe Pound, her Harold Laski. She knows her particularism, her syndicalism, her guild socialism, her dualism, her pluralism. But she does not know human nature at its present stage of progress toward co-operation. She is not a practicalist.

The neighborhood center, however, is a very practical and very useful institution.

HOWARD LEE MCBAIN.

Federal Power: Its Growth and Necessity. By HENRY LITCHFIELD WEST. New York, George H. Doran Company, 1918.—216 pp.

Mr. West writes readily, often jauntily, sometimes flamboyantly; and he eschews footnotes. Necessarily, therefore, his book fails to measure up to the standard of what reviewers call "scientific." But his offense in making constitutional law palatable to lay readers must be deemed a misdemeanor only and not a crime. A clement judge would not inflict the extreme penalty of the most critical review that might be possible, nor would he decree that the book go entirely unnoticed. Though he would have to find the defendant guilty of the charge of being popular and unscientific, he would mingle praise with censure and suspend sentence.

On the credit side is the excellent summary of the extent to which the government at Washington has undertaken to order the affairs of the nation and of the approval which the Supreme Court has almost uniformly accorded to the exercise of federal power. The recital brings to light nothing previously hidden, nor does it add new interpretation; but by arrangement and emphasis the outlines of our growth towards centralization are brought out in clear relief, and the cumulative effect of the story adds something to what any other writer has given us. The logic of events is made to express itself in a fashion not to be neglected. The chapter on "Federal Power as a Political Issue" shows how futile has been the call to resist encroachment on the traditional sphere of state authority and to curb the propensity of federal power to grow by what it feeds on. This is summed up in the final chapter, as follows:

The truth is, however, that the American people, as a whole, have never

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believed that the individuality of the states must be recognized as an essential factor in our national growth. This is demonstrated by the fact that in every contest between the so-called rights of the states and the exercise of federal power, the latter principle has prevailed. Today there is no longer any conflict. The tide is all running one way. It is impossible to overcome its tremendous force. The nation is being swept forward upon a tide of Federalism and the anxious fears occasionally uttered by a steadily decreasing minority are deafened by the roar of the torrent [pages 197–198].

With the extension of this federal control the author is in evident sympathy. But he turns Jeremiah when he notes how much of this expanding authority is being exercised by the executive rather than by Congress. He abandons description for lamentation and exhortation when he passes from the Capitol to the White House. "If the states in our union are to drop to the plane of counties in England, or departments in France, or provinces in Canada—and already they are in this category—and we are still to preserve the democratization which has been our strength and our glory in the past, we must see to it that neither an oligarchy nor an autocracy takes the place of a republic" (page 205). The only way "in which we can avoid the peril that threatens . . . lies in the adoption of a system of parliamentary control, similar to that which gives to Great Britain, France and Canada a centralized or national government without the evils which even now are a part of our experience" (*ibid.*). Mr. West would emasculate the presidency by curtailing the power of appointment, by making cabinet members individually responsible to Congress and in other ways. His suggestions are familiar, and he gives no consideration to the difficulties that beset their adoption by reason of the differences between our traditions and institutions and those of other countries. Cabinet members are to have seats in both the Senate and the House and to be responsible to both. Instead of serving one master as now, Mr. West would have them serve three, in disregard not only of Holy Writ but of common sense as well.

The reader must be warned, too, against assuming that the states have been reduced to any such position as Mr. West implies, or that the notion of the rights of states is so moribund as he would have us think. Quite cavalierly the child labor decision is dismissed with the comment that "there is no doubt that Congress will amend the act so as to overcome this adverse decision" (page 124). The case is not again mentioned, and the discussion proceeds as though it had never been decided. On the other hand, the author strangely neglects

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the use of the federal taxing power to fill the dinner pails of American workmen and to protect dairy products from the too severe competition of oleaginous substitutes. Whether the suggested amendment of the child labor law is to take the form of an exercise of federal power is not stated. These omissions are the more striking because the author has included so much that is less obvious.

There is an inexcusable slip in the statement that "five of the nine Associate Justices now serving on the Supreme Court . . . were appointed by President Taft" (page 164), when it is familiar knowledge that Justices Lurton and Lamar have died and that Mr. Justice Hughes has returned to the bar. The reference to the justices is made for the purpose of emphasizing the importance and the danger of the presidential power of appointment. Mr. West thinks that "it is safe to say that Mr. Taft was thoroughly conversant with the views held by each appointee upon constitutional and other questions before he submitted their names to the Senate, and that each of them reflected his own opinions" (page 164). He adds that "the same assertion applies to the appointment of Mr. Brandeis and Mr. Clarke by President Wilson," omitting, however, any reference to President Wilson's first appointment. The point thus emphasized by the faultless silence of the author finds its parallel in a similar contrast between the appointment of Marshall by President Adams and that of Story by President Madison. Undoubtedly presidents seek for judges of their own cast of thought; but undoubtedly, too, presidents have frequently been disappointed in the decisions of their appointees.

Judging Mr. West's contribution as a whole, it must be said that it lacks depth. As a surface study, however, it deserves not a little commendation. It places before the general reader in inviting form much that is given elsewhere only in works that he would find forbidding. Positive errors are rare, and the opinions that may be open to question are not likely to prove seriously misleading. To all who desire to know the development of federalism in the United States, the author has rendered a genuine service in presenting a technical subject in a book that is both readable and informing.

THOMAS REED POWELL.

The National Budget System. By CHARLES WALLACE COLLINS. New York, The Macmillan Company, 1917.—vii, 151 pp.

This little book makes no pretense, as the author states, to either originality or exhaustiveness. It is intended to present in brief com-

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pass, to the general reader, "what the budget system is, and why it is said to be needed for the United States." Since the book is so brief, it is a pity that so much of it is devoted to a description of variations in British, French, German, Swiss and Japanese practice which have no fundamental significance. Since it is intended for the general reader, it is a pity that it should mislead on several major points. Of these the most important is the power of the president to coordinate and unify the estimates submitted to Congress. In half a dozen places the author drives home the wholly erroneous idea that no such power exists. He manages to give a curiously incorrect picture also of the extent to which the several Congressional committees disregard the estimates and requests of the executive branch. In fact, animated by a wholly laudable propagandist purpose, Mr. Collins seems intent throughout on painting as black a picture as possible. Thus he recurs, in several places, to the fact that it is impossible to tell, in advance of complete action by Congress on all the appropriation bills, the exact amount of money which the government will need for the next fiscal year, but in doing so he gives the reader the impression that it is impossible to make even a reasonably approximate guess, which is of course all that is really necessary for the formulation of the revenue program.

While making reference to all the foreign systems above mentioned, Mr. Collins makes comparison chiefly with the British system. It is the more regrettable, therefore, that he lays no stress upon—indeed he mentions only by inference—the vital functions performed by the British Treasury in the administration of the budget, a factor in the success of the British system which has almost invariably been neglected in American discussion.

As a whole, the book suffers from the absence of a clear and systematic statement, in any one place, of the precise advantages and economies which may be expected to result from the adoption of a budget system by our government and from a failure to bring out clearly that our method of fiscal legislation is merely one phase, and a more or less natural result, of our entire system of division of legislative power between President, House and Senate.

As Mr. Collins says in his preface, there is need of a book of this size and scope on the budget problem. His execution of the project, however, leaves so much to be desired that an attempt by another hand would be welcome.

LEWIS MAYERS.

WASHINGTON, D. C.

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The Theory of Environment. By ARMIN HAJMAN KOLLER. Menosha, Wisconsin, George Banta Publishing Company, 1918. —104 pp.

Under a rather suggestive title the author has given in this booklet the theories of an array of thinkers and writers who from antiquity to modern times have made use of environment (*milieu*) to explain social organization and institutions in their varying forms and manifestations. The enumeration of these authors, ranging from Hippocrates to Huntington, is somewhat indiscriminate and quite uncritical. Mr. Koller, indeed, makes no pretense to a critical study of anthropogeography. Nevertheless, the comparatively free use of quotations from the writers mentioned offers sufficient stimulus to those who are interested in environmental interpretation of history to pursue the matter further.

That the scope and sphere of human endeavor is circumscribed and conditioned by the soil, climate and all that goes to make up man's physical environment is a commonplace, the truth of which can neither be impaired by denial nor enhanced by reiteration. But anthropo-geographers in their pious zeal to discover the *causa causans* in the character and structure of human institutions seem to have been carried away by the obsession that mankind is a passive agent fixed " 'mid this dance of plastic circumstance." Accordingly, the rise and fall of ancient civilizations and world empires as well as the rise and fall in the rate of wages of workers in a modern clothing factory, are frequently accounted for by the peculiarities of the soil, sunshine and superficies surrounding the communities in question.

The doctrine of geographical determinism undervalues or overlooks the important factor of what may be characterized as man's economic environment, together with the more intangible phenomena of custom, usage and the like. Man's economic environment is commonly made up of the mechanical equipment at hand and a knowledge of how to make use of it. This is largely a matter of intelligence, training and accumulated information. In other words, it is a question of the state of the industrial arts. The influence of man's physical environment may, therefore, be modified in proportion to his control and power over the forces of nature. Moreover, the state of the industrial arts may give rise to habits of thought and behavior which further modify the physical environment. So, for example, the agrarian explanation of the fall of Rome is nothing short of an

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exercise in futility unless the concomitant inhibitory institutional influences superinduced by the state of the industrial arts are taken into account as elements contributing to the virtual paralysis of habits of industry and workmanlike endeavor on the part of the Roman people. (*Cf.* Salvioli, *Sulla distribuzioni della proprieta fondaria in Italia al tempo dell' impero romano*). Equally futile is the explanation on similar grounds of differences in wages in the different parts of a given country. Even the single fact of the presence or absence of a well-organized body of workmen in a given industrial center is of greater importance than the character of the *flora* and *fauna* of the given locality in accounting for differences in wage rates (*cf.* E. Huntington, *Civilization and Climate*, pages 53 *et seq.*).

To enter here upon an extended discussion and criticism of the theory of environment would be an idle enterprise, and there seems to be no call for it in a review of a booklet which is scarcely more than a catalogue of names. But purely as a question of scientific method it may not be regarded as a gratuitous observation to point out that the postulates of the geographical or climatic theory of society rest on the alluringly naïve preconceptions of anthropomorphic or conjectural science.

LEON ARDZROONI.

COLUMBIA UNIVERSITY.

The Chartist Movement. By MARK HOVELL. Edited by T. F. TOUT. New York, Longmans, Green and Company, 1918.—xxxvii, 327 pp.

Nearly two years ago, in reviews in the POLITICAL SCIENCE QUARTERLY of contributions toward a history of Chartism by Messrs. Rosenblatt, Slosson and Faulkner, the fact was recalled that from 1854 to 1916 not a single book of permanent value on the history of Chartism had been published in England. Furthermore, it was remarked that despite the great and persistent activity in political life of the working classes in England since the extension of the franchise in 1885, and particularly since 1900, no English student of politics in the nineteenth century had attempted a detailed history of the remarkable working-class agitation of 1837–1854. This was true at the time it was written. Fortunately it is no longer true, for in 1918 there was published a study of the Chartist movement written by the late Lieutenant Mark Hovell. It is a compact volume of a little more than three hundred closely printed pages; and it may be said at once that it admirably fills

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a gap in the literature of political thought and activity in England in the nineteenth century that had been obvious for thirty or forty years.

The plan adopted by Lieutenant Hovell is excellent; and the execution is worthy of the plan and also of the interest and importance of the subject. It was impracticable to write a history of Chartism without prefacing it with a survey of conditions in England as they had developed between the beginning of the industrial era and the reform of the system of parliamentary representation in 1832. The history of these forty or forty-five somber years in the national life of England has often been told. It is told again in Lieutenant Hovell's pages; but it is told with much freshness and in excellent proportion. It is told, moreover, in a style which insures that the reader of these introductory pages will push on with interest and zest to the last page of the history.

In the history of Chartism itself there is again admirable proportion. The two phases or divisions of the movement—its history from 1837 to the first great petition to the House of Commons in 1839 and from the petition of 1842 to the decline of the agitation in the early fifties—stand out with much clearness. What is equally valuable is the fact that it is at last possible to realize what was the attitude of the Chartists toward the new poor law, toward the police forces created under the legislation of Peel, toward the reform of the municipal corporations and also toward the anti-corn-law agitation of Bright and Cobden, which went on contemporaneously with the Chartist agitation for another extension of the franchise and for other democratic reforms in the system of parliamentary representation.

The leaders of the movement stand out clearly in Lieutenant Hovell's pages. The study of the journalism of the agitation is also a notable contribution to the history of the propaganda press in England in the nineteenth century; and for the first time in the literature of Chartism, written in England, it is possible to estimate approximately what each of the several geographical divisions—London, South Wales, the Midlands, Lancashire, Yorkshire and Tyneside—contributed to a long-maintained proletarian agitation, which was by no means so futile as is sometimes represented in general political histories of England in the nineteenth century.

It is not easy to suggest an aspect of the movement which has been ignored by Lieutenant Hovell. He was obviously aided in his work, and particularly in giving to it its comprehensive character, by the monographs on Chartism published in 1916 by Messrs. Rosenblatt, Slosson and Faulkner; and to these American investigators of an epi-

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sode in English political history that had long been neglected Lieutenant Hovell has made ample acknowledgment. In this review the author has been referred to as Lieutenant Hovell. That was his rank in the Sherwood Foresters at the time of his death by accident in France in the autumn of 1916. But before the call to service came he was a lecturer at Manchester University. His draft of the history of Chartism had nearly been finished when he joined the army. The book was completed and put through the press by Professor T. F. Tout, to whom students of English political history are under a two-fold indebtedness. They are indebted to him for the completion and revision of the book and also for his thoughtfulness in arranging that there should be no delay in its publication—no waiting, as has been the case in England with a good many books, until the war was over.

EDWARD PORRITT.

HARTFORD, CONNECTICUT.

Norman Institutions. By CHARLES H. HASKINS. Cambridge, Harvard University Press, 1918.—x, 377 pp.

The text of Professor Haskins' book covers Norman history by reigns from the accession of William the Conqueror to the end of the twelfth century. An elaborate appendix contains a great variety of documentary matter on many phases of the history of the duchy together with informal, but authoritative, essays on the sources of early Norman history, the reign of Robert I and the early legislation of Henry II. Much of the book has already appeared in the form of articles in the *American* and the *English Historical Reviews*, but they have all been revised and a good deal of new material has been added. The work represents the fruits of nearly twenty years of study, and its publication in a single volume marks an epoch in the historiography of Normandy.

It is not a narrative history, for which one would now go to Powicke's *Loss of Normandy*, nor does it incorporate material to be found in the works of Brunner, de Lisle, and Pollock and Maitland. Its aim is to bridge as far as possible the gaps in our knowledge of Norman history. The great difficulty in studying the history of the duchy is the paucity of sources, resulting in part from the loss of the individuality of Normandy by reason of its connection with England. The history of the duchy is swallowed up, as it were, in the history of the kingdom. The book performs its chief service in the great number and variety of facts which have been gathered that bear upon Normandy alone. They relate

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to all sorts of topics and have to do with narrative as well as with institutional history; they throw light upon many important personalities, the history of feudalism, the influence of the church, administrative organization and the history of the jury. So well has the author done his work that the possibility of an accurate and well-balanced picture of Norman institutions and history is now not far from realization.

It is interesting to note that though the great bulk of the information is drawn from manuscript sources, or from what were till recently manuscript sources, the amount of material which has been gleaned from sources long in print is, nevertheless, considerable. For example, the discussion of ecclesiastical influence in Normandy is based almost wholly on printed matter, and more striking still, most of the argument showing the early feudalization of the church rests upon materials which have been available in our libraries for many years. The case illustrates the point that students of the Middle Ages who have not ready access to manuscript sources can still do much by careful, enthusiastic reading of chronicle and charter already in print.

The most significant feature of this mass of new evidence is the proof it affords of the early and elaborate organization of the duchy and of a development which was almost continuous and, in great measure, independent of that in England. Comparatively scanty though this evidence may be, the certainty of the conclusions is enhanced by the fact that each additional piece of evidence gathered from the most varied sources points in the same direction. Thus, an unusually well developed feudal system, the use of the five-knight unit, the control of the church by the duke, the comparatively elaborate system of ducal administration, the basis of the financial organization, all antedate the conquest of England. Later, we see the development of the power of the *curia*, the working of the exchequer, the institution of itinerant justices, the growth of the jury. The Norman "system shows strength and it shows organizing power."

Another conclusion which the book makes more certain than it was before is that in institutional development England and Normandy were far in advance of their continental neighbors, like Anjou and the Capetian monarchy. To the student of English history the most important question is this: In the Anglo-Norman state, which was the more important influence, that of England or that of Normandy? The two states had similar institutions, and these had a parallel development. Moreover, there was much interaction, though, in the main, each country had a separate administration. They were united at the head in the person of the sovereign. There was a single chancery.

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The same officials served on both sides of the channel. The same experiments were tried in both countries. Professor Haskins does not give a definite answer to our question, but he points out many suggestive facts. Thus, there was a Norman prologue to Henry II's struggle with the church. The practices of the English exchequer may have influenced the Norman body, but "the whole sub-structure of ducal finance is very ancient." There was a well-defined system of itinerant justices in Normandy before it appeared in England. The sworn inquest was introduced into England from Normandy and the jury was first employed in Normandy "as a regular procedure to which suitors can appeal as a matter of right and on which the individual can rely as a protection against arbitrary accusation." And one must not forget the early influence which came from Normandy at the time of the conquest in the shape of feudalism and developed ducal power. Indeed, the author's final words on the Norman jury may really be taken as his judgment on the general relationship between Norman and English institutions: "Where Normandy sowed, England and all English-speaking lands were to reap."

Apart from the contribution to historical knowledge which is made and the wealth of learning which is displayed, one is impressed by the skill with which all this evidence on Norman history has been marshaled, and by the author's careful and close reasoning, qualities which make the book worthy of the most careful study by any student who is handling medieval historical material.

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The Life of Sophia Jex-Blake. By MARGARET TODD. New York, The Macmillan Company, 1918.—xviii, 574 pp.

Dr. Elizabeth Garrett-Anderson and Dr. Sophia Jex-Blake, the two pioneers in opening the medical profession to the women of England, were both outstanding figures during the half century from 1860 to 1910. Dr. Anderson was four years the older, having been born in 1836 while Dr. Jex-Blake was born in 1840, and she survived Dr. Jex-Blake by several years. But the great fight made by the two women was strictly contemporary, though Dr. Anderson scored the first success and throughout her whole career won greater popularity and more definite rewards than Dr. Jex-Blake.

The experiences of the two women in their long struggle for the right to enter the medical profession were curiously dissimilar. Dr. Ander-

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son slipped through what may be described as a side door, left accidentally open, and closed by the medical authorities as soon as they discovered the oversight. She was admitted to the examinations of the Society of Apothecaries and obtained its license to practice after she had been refused admission to those of the Colleges of Surgeons and Physicians. The Society of Apothecaries admitted her, because its charter was so drawn as to make it impossible to exclude her on account of her sex. But the door was closed on any possible successor among women by the adoption of a rule that no candidate should be examined who had been privately educated, for it was well known that no woman would be admitted to the regular courses and classes at which men obtained their education. Her further qualifications Dr. Anderson obtained in France, taking her M. D. degree at the University of Paris in 1870; and thus prepared and equipped, she was able to establish herself in practice in London.

For Dr. Sophia Jex-Blake there was no side door and no thought of slipping into the profession herself and leaving other women outside. She made the fight for the opening of the front door and for such an opening as should preclude its ever again being closed. Stormy times and bitter opposition could not swerve her from her purpose. It seemed at times as if she cared much less for the right to practice medicine herself than she did to open the way for the group of women who depended on her to help them to an opportunity. Dr. Margaret Todd in this *Life of Sophia Jex-Blake* tells the story of the long struggle with sympathy and understanding. She shows where Miss Jex-Blake made serious mistakes and how her somewhat headstrong temperament injured her in public estimation. But she shows also that without the strength and the fighting spirit so strongly present in Miss Jex-Blake's character, the fight could never have been won, and that English and Scotch women might have had to wait many years longer, perhaps to the real detriment and loss of Great Britain and the Allies in the recent war, before being able to qualify as physicians, or even to obtain the education that would fit them to take their place in medicine and surgery.

Dr. Todd's story of the long struggle with Edinburgh University and with the prejudices and the narrow trade-unionism of the medical profession, will form a valuable document when the history of women in medicine comes to be written. It was early realized that there was little hope in England and that the fight would have to be waged in what might be called the outlying territories. The Edinburgh fight ended for the time in defeat for the women, but Dr. Jex-Blake became

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a licentiate of the Irish College of Physicians in 1877 and obtained a medical degree the same year at Berne. The following year she began to practice in Edinburgh and in 1886 founded the Edinburgh School of Medicine for Women. Eight years later she had the triumph of seeing her school recognized for graduation by the Edinburgh University, with which she had waged so protracted and bitter a contest, and before the turn of the century women were preparing in considerable numbers for the great work that, all unknown to them, lay ahead of them after the outbreak of the war. It was the battle that had been waged by Dr. Sophia Jex-Blake that made possible the heroic service of Dr. Elsie Inglis and of the great company of women doctors who served in the military hospitals of the Allies between 1914 and 1918.

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BOOK NOTES

In the issue of the POLITICAL SCIENCE QUARTERLY of March, 1918, note was taken of the fact that books on political science and on Canadian history prompted by the fiftieth anniversary of Canadian confederation, celebrated in July, 1917, had been singularly few. "There were," it was said, "only two or three written by Canadians under the stimulus of the anniversary of the most beneficent and outstanding event in the modern colonial history of Great Britain." To these three books—*The Federation of Canada, 1867–1917*, Riddell's *The Constitution of Canada in its History and Practical Working* and Hammond's *Fathers of Confederation*, there must now be added R. E. Gosnell's *The Story of Confederation, with Postscript on Quebec Situation* (Victoria, Colonist Printing Company, 1918; 156 pp.). For American students, and in particular for students whose interest in the constitutional history of Canada has been newly aroused by the part played by the Dominion in the great war and by the new relations between the dominions and Great Britain which have been developed by the war, Mr. Gosnell's book is likely to be the most serviceable of any of those that were prompted by the celebration of 1917. Though popular in presentation it is a scholarly history of Canadian confederation and of the constitutional development of the Dominion since 1867. In addition to relating the story of confederation the author tells, with interesting detail, of the admission of the four provinces west of the Great Lakes—Manitoba, British Columbia, Saskatchewan and Alberta. Mr. Gosnell has long been a resident of Victoria and has written much on the history of British Columbia. The student of Canadian history will not find fault with the somewhat detailed consideration which he gives to his province, both at the time it entered the confederation and since. On the contrary, he will be disposed to wish that Mr. Gosnell had drawn a little more on his intimate knowledge of the preconfederation history of the Pacific coast province, for, despite the fact that no British colony has a more fascinating constitutional, fiscal and economic history than British Columbia, that history, for the preconfederation period, yet remains to be written.

At the outbreak of the war, Mr. John S. Ewart of Toronto suspended the issue of his series of essays on the constitutional relations

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of Canada with Great Britain, which are widely known in the Dominion, and to some extent also in the United States, as the *Kingdom Papers*. The last pre-war issue was no. xx. Publication was suspended because Mr. Ewart was impressed with the gravity of the struggle between Germany and Great Britain and her Allies, and with the necessity of suppressing debate upon "all separating subjects." Publication has now been resumed (*Kingdom Papers*, no. xxi, McClelland, Goodchild and Stewart, Toronto, 1918; 126 pp.), and Mr. Ewart is again engaged in his effort to rouse his fellow Canadians to "a sense of political dignity—to elevate them from the degrading slough of colonialism, and to give them a position of honorable equality with the other nations of the earth." Developments in the relations between Canada and Great Britain arising out of the war and war-time suggestions for closer union are the topics discussed in no. xxi. Frankness of utterance has always been characteristic of the *Kingdom Papers*, and it is so of this latest issue. There can be few writers in Canada as widely informed as Mr. Ewart on the constitutional history of the Dominion and on the history of the relations of the self-governing colonies with Great Britain, and in nearly every *Kingdom Paper* there is something new, even to Canadians who are well versed in the history of their country and who know in some detail the story of the relations of the old British North American provinces and of the Dominion with the Colonial Office, the Cabinet and the Parliament at Westminster.

In *The Beginnings of English Overseas Enterprise: a Prelude to the Empire* (Oxford, The Clarendon Press, 1917; 203 pp.) Sir Charles P. Lucas has moved into a field not hitherto much worked by him. His earlier books on the development of the British Empire—books that were always welcomed by the constituency of students which, since 1912, he has been attracting to himself—were concerned mostly with aspects of British colonization in the eighteenth and nineteenth centuries. But at the end of a clearly presented and in every way excellent study of the origin, organization, powers and privileges of the merchant adventurers of England, Sir Charles Lucas introduces his readers again to his old field and makes a thoroughly substantiated claim for the merchant adventurers as pioneers of English colonization. They moved into and possessed themselves of no new nor unoccupied territories. They established themselves, extraterritorially as it were, in several European countries. They were important factors in British overseas trade, especially as regards the wool and woollen industries. They had an organized, definite and continuous existence, in one

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phase or another, from the first decade of the fifteenth century to the beginning of the nineteenth; and by their form of government in the countries in which they were privileged to establish and govern themselves, they were the pioneers in one well-defined department of British colonization. With the merchant adventurers began organized and state-regulated overseas enterprise. Out of this enterprise which was regulated by treaties, charters and acts of parliament there came in fulness of time the British Empire. The book is acceptable, not only as a contribution of permanent and outstanding value to the literature of the expansion of England, but also as an interesting and carefully documented portrayal of some aspects of England's commercial relations in a period earlier than that in which the old commercial policy—the policy that was gradually abandoned between 1783 and the complete repeal of the old navigation code in 1849—had its beginnings.

The native of South Africa has found an eloquent and intelligent spokesman in Solomon Tshekisho Plaatge, editor of the *Tsala ea Batoh* (*The People's Friend*), a native paper of Kimberley, S. A., whose *Native Life in South Africa* (London, P. S. King and Son, 352 pp.) has recently appeared. The author is a Barolong, who was educated in mission schools and was a letter-carrier at the Cape. During the siege of Mafeking he acted as Dutch interpreter to the Court of Summary Jurisdiction, presided over by Lord E. Cecil, and subsequently served as confidential clerk to the official in charge of native affairs there. These details are of interest, for they indicate the competence of this spokesman for the blacks. As the *Pretoria News* puts it, he is not an agitator stirring bad blood between the two races, but an educated native with liberal ideas, who pleads for a new policy of the Cape government which will recognize other leaders among the natives than the old, and often incompetent, chieftains, and which will study the ideas and needs of the different black peoples before legislating for them. The book deals mainly with the unjust treatment of the natives at the hands of the Union, to which Britain, having promised them security, consigned them without having assured it. The iniquities of the land laws, the treatment of the colored women, the silence of the Christian churches and the general tendency of the Boer to take it out of the native, form the major part of a narrative which dwells to a large extent upon personal incident but, in spite of a somewhat lyric tendency, is really soberly self-contained so far as essentials go.

Mr. Ernest W. Hamilton's *The Soul of Ulster* (New York, E. P.

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Dutton and Company, 1917; 188 pp.) was written at least eighteen months before the Sinn Fein movement displayed its extraordinary and apparently unsuspected strength at the general election in December, 1918. A new interest attaches to this little book—it contains only 188 small pages—in view of the facts that at the election seventy-three Sinn Fein members were chosen by the Irish constituencies, that the Irish Nationalist Party, led by Mr. John Dillon, almost disappeared as a parliamentary force and that the election developed a well-marked dividing line in the old Liberal party which for thirty-two years had worked for Home Rule. *The Soul of Ulster* was written for general readers. Mr. Hamilton has made no attempt to give it even the appearance of a documented or scholarly historical work. It belongs to the realm of propaganda literature—to the literature of opposition to Home Rule. The book is, nevertheless, a presentation of the attitude of Ulster toward Home Rule and of the origin and causes of the continuance of its uncompromising and unbending opposition that is distinctly interesting and in places informing. It makes clear the conditions which keep Ulster and the other three provinces of Ireland so far apart—as far apart, in some respects, as the white and colored people in the southern states.

In *American Government and Majority Rule* (Princeton, Princeton University Press, 1916; vii, 175 pp.) Professor Edward Elliott takes us over a hard-beaten historical highway at the high speed necessitated by a journey of one hundred and fifty years in about as many pages. At no point in his journey does he reillumine the familiar landscape. The reward we find at the end of the journey is the frequently made observation that in the progress of reform the machinery of our politics has grown too complicated. We must move toward simplification, including commission government for a larger number of cities, the federal plan applied to state administrative organization, single-chambered legislatures with more executive responsibility for legislative proposals, the abolition of the district residence requirement for election to legislatures, the separation of state from national elections (page 163, although frequency of elections is condemned, page 164) and the short ballot. Here is the symposium of reform. It is probably fair to say that there is not a single new fact, new idea or new point of view in this book. It is as unexceptional as it is unexceptionable.

No adequate knowledge of the part played by the courts in the administration of government can neglect the intricate mechanics of the procedure by which courts interfere with the processes and action of

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the other departments of government. The normal method of judicial review of legislative and executive action is through appeal or writ of error from preliminary judgments enforcing the action complained of. By this means constitutional rights may be vindicated, but the vindication comes often only after long and expensive litigation, or after actual imprisonment for the purpose of detention. Obviously such ultimate vindication is far from completely satisfying to the individual concerned. Resort to the so-called extraordinary writs will naturally be made whenever they are available. Of these writs the most adequate is the ancient habeas corpus by which certain elements in the rightfulness of any detention may be adjudicated without waiting for the more dilatory process of appeal or writ of error. Those who have the misfortune to face incarceration or who need to know for other reasons when habeas corpus may be used to hasten the determination of various legal questions will welcome the review and analysis of the decisions on extraordinary remedies contained in Mr. W. F. Bailey's *A Treatise on the Law of Habeas Corpus and Special Remedies* (Chicago, T. H. Flood and Company, 1913; two volumes, xxxvi, 1592 pp.). In addition to the subject of habeas corpus, Mr. Bailey treats of the writs of mandamus, quo warranto, certiorari and prohibition and in the course of his discussion considers many of the questions of substantive law which have been passed upon in extraordinary judicial proceedings. Separate chapters are devoted to contempts, to courts martial and to extradition. The book can hardly be called a product of the most discriminating scholarship, but it gives a convenient and satisfactory review of the outlines of the subjects with which it deals.

A *Source Book of Military Law and War-Time Legislation* (St. Paul, West Publishing Company, 1919; xviii, 858 pp.), prepared by the War Department Committee on Education and Special Training under the editorship of Colonel Wigmore, was designed for use in the second and third quarters of the course on military law required as part of the work in the Students Army Training Corps. The disbanding of the corps has necessarily restricted greatly the usefulness which the work promised to enjoy. It is to be hoped, however, that it will find a place in every institution of learning or discipline in which the training of army officers is continued. Part i is devoted to pre-war sources, of which 300 pages present opinions of the state and federal courts on such subjects as the relation of federal military powers to the powers of the states, the scope of martial law, the authority of the executive in military affairs, the rights and liabilities of military persons under the civil law, the civil liability of the government for the acts of military

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persons and the law on the internal organization and administration of the army. The selection and classification of this material was made by Dean Morton L. Ferson of the Law School of George Washington University and deserves unqualified commendation. This part of the book may be used with profit in courses on constitutional law in all our law schools. Part ii which consists of war-time sources gives 120 pages to legislative enactments, 13 pages to regulations and general orders, 73 pages to federal judicial opinions on the selective service law, the espionage law and the jurisdiction of military authorities and 150 pages to opinions of the Judge Advocate General on a great variety of questions that have required decision during the war. No other assurance of the excellence of the selection and presentation is needed than the statement that it is the work of Colonel Wigmore. Here is a mine of information in readily available form that should be in every law library. Students of military law will have frequent occasion to thank the editors for work that will save them from the drudgery of spending hours to find for themselves what is here collected.

In England, Hartley Withers has enlivened financial discussion by a series of most readable books. In *Foreign Exchange Explained* (New York, The Macmillan Company, 1917; xii, 219 pp.) Franklin Escher almost attains the brightness of style of Mr. Withers' *Money Changing* and really advances beyond that book in completeness of presentation. Escher has long been known in the United States by his *Elements of Foreign Exchange*, but his new book is much more complete and up to date.

Another important volume dealing with foreign exchange is William F. Spalding's *Eastern Exchange, Currency and Finance* (London, Sir Isaac Pitman and Sons, Limited, 1917; xi, 364 pp.). As the title indicates, this is a treatise that covers more than the subject of exchange, yet it is safe to say that it is the discussion of the Eastern exchanges which will prove the most useful part of it. The book is largely descriptive. It would be improved if the author had introduced more theoretical discussion in connection with the abundance of descriptive material that he has made available. The movements of silver in the East during the war gave him an excellent opportunity in this direction, of which he has taken only partial advantage.

The Federal Reserve System may now be said to be firmly established in the confidence of the country. During the period of our participation in the war we have tasted of the system's first fruits and have pronounced them good. Yet few people understand the system, though its intelligent development in the future depends

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upon an informed, as well as intelligent, public opinion. Professor Kemmerer in *The A. B. C. of the Federal Reserve System*, (Princeton, Princeton University Press, 1918; xiii, 182 pp.) has rendered a public service in preparing an account of the system that is both accurate and comprehensive. His book requires intelligence to understand, but it can be understood with intelligence. Technical knowledge of banking is not necessary to a full appreciation of it. It sets forth simply and clearly the difficulties of our old system and then emphasizes by contrast the merits of the new. Its value is enhanced by a generous collection of material in an appendix.

In a preface which apologizes for adding another general book on the subject, Mr. Henry Clay, the author of *Economics, An Introduction to the General Reader* (London, The Macmillan Company, 1917; 476 pp.), offers two pleas in extenuation. The one is that the book is meant for the general reader rather than for the student, and the other is that the author devotes most attention to those parts of the subject which border on politics and ethics. The critic must concede that while Mr. Clay has not indeed added anything of significance to what is found in many other books, he has succeeded in giving a well-balanced presentation of the entire subject and also in continually emphasizing the connections between wealth and welfare. The Macmillans in New York have recently issued an American edition, under the editorship of Professor E. E. Agger, with the substitution of American for British illustrations.

The present age is often called "materialistic"—with a deprecatory implication. But every now and then somebody attempts to analyze the economic aspects of present-day society in order to show that on the ethical side our present system has much to claim for itself. In *Creating Capital* (New York, Houghton, Mifflin and Company, 1918; 72 pp.) Frederick L. Lipman, considering money-making as our aim in business, essays in popular form a brief analysis of this kind. He shows how our system of specialization has led to the emphasis of money-making, but also how through this money-making we are led to thrift and a broader social service. The essay was originally read as a lecture by Mr. Lipman in "The Barbara Weinstock Lectures on the Morals of Trade," at the University of California.

Collective Bargaining and Trade Agreements in the Brewery, Metal, Teaming and Building Trades of San Francisco, California (Berkeley, University of California Press, 1918; pp. 233–364) is a monograph by Dr. Ira B. Cross based upon a study made for the United States Commission on Industrial Relations. Dr. Cross has included more than his

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title indicates. He has made a valuable contribution to the history of trade unionism in San Francisco, not only in the industries mentioned in the title but in other trades and occupations as well. For the most part, however, his discussion of current policies is confined to the four groups of unions, taking these as typical of all.

Only four years after the publication of the third edition, Professor Charles Gide has found that a new edition of his textbook on economics was called for. He has taken advantage of the present situation to include some new chapters called forth by the war, and has now expanded his work into two volumes, of which the first has just appeared under the title of *Cours d'Économie Politique, Tome I* (Paris, Léon Tenin, 1918; 600 pp.). The many admirers of Professor Gide will be glad to have the standard work in this new form.

Mr. John Hedley Higginson's *Tariffs at Work: An Outline of Practical Tariff Administration, with Special Reference to the United States and Canada* (London, P. S. King and Son, 1913; xiv, 136 pp.), is an informing and peculiarly serviceable book. To some extent it is general in character; but it embodies the results of special and manifestly careful investigations in Washington and New York, and also in Ottawa and Montreal, undertaken by Mr. Higginson as Mitchell Student of the London School of Economics and Political Science. There is no lack of histories of the tariffs of the United States and of Canada, but in most of them emphasis is laid on tariff propaganda and the enactment of tariffs by Congress and by the parliament at Ottawa. The diplomatic aspects of tariff-making easily and naturally come within the scope of Mr. Higginson's work. Otherwise it is concerned exclusively with the several types of tariffs, with the conditions which account for the development of these types and with the administration of tariff laws. Ten years ago it was remarked by a historian of Canadian tariffs that tariffs were framed and enacted by politicians who did not know the difference between a blast furnace and a brewery. Mr. Higginson's observation does not afford corroboration of this charge. In appendices, past and present tariff administration in Great Britain is compared, and there is a note on the origin of the bonded warehouse system. The book is interesting and clearly written. It has one other advantage from the point of view of teachers of tariff history. It is a book of not more than twenty-six thousand words which students who are working on tariff history and tariff economy can be required to read.

President Kerr D. Macmillan's *Protestantism in Germany* (Princeton, Princeton University Press, 1917; vii, 282 pp.), which contains

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the Stone Lectures delivered at Princeton Theological Seminary in 1916–1917, is an interesting and instructive account of the relation of church and state in Germany since the Reformation. The study is based largely on secondary sources and in some points there is an undue reliance upon antiquated authorities, but, on the whole, the lectures are sound and discriminating, less so where they deal with the Reformation than with later periods. As might, perhaps, be expected, the author has a decided penchant for Calvinism and frequently contrasts it with Lutheranism to the disparagement of the latter. Indeed, he shows scant sympathy with the German ecclesiastical system at any point. The emphasis laid upon the many evil effects of the territorial régime is not misplaced, though it is exaggerated. To one trained in the American tradition, the separation of church and state is an elementary political axiom, and an ecclesiastical establishment can hardly fail to seem the fruitful mother of evils that are often not felt as evils by those who have grown up with them. In spite of his unsparing condemnation of these evils, the author has been laudably reticent in refraining, so far as the reviewer has observed, from attributing the blame for all that is worst in the Prussianism of today to the Prussian Church, the institution to which he happens to be devoting the greater part of his book. He is also to be commended for not making the book a mere anti-Prussian tract. The temptation must have been great, as the preface shows, and that he has not yielded to it is enough to mark with distinction an American book published, if not written, after America and Germany were already at war.

The third edition of Warner's *American Charities* (New York, Thomas Y. Crowell Company, 1919; xxii, 541 pp.) is the second revision it has received at the sympathetic hands of the author's one-time pupil, Mary Roberts Coolidge. Mrs. Coolidge has carried out her undertaking conscientiously, as she did in her first revision ten years ago. She has industriously examined a vast accumulation of printed material and has used it, for the most part, with appreciation of its value and significance. She has tried "not to alter the distinctive color" of Dr. Warner's book, and has evidently sought to keep her own personality out of it and to make her contribution as objective as possible. The 25,000 words of new matter, however, together with the "substitution of more recent figures and illustrations," have inevitably obscured "Warner" to such an extent that the resulting volume reads more like a painstaking and creditable compilation than like the ripe fruits of years of thought and personal experience in the field that is covered. Of course, a good brief might be made out for

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the belief that Dr. Warner himself would have resisted any proposal of his publishers in 1918 to revise his book of 1894 and would instead have written a new book which would have included the newer forms of social work, for without them it is hardly possible to understand American "charities" of today. It is hardly conceivable that he would still have seen his subject within the limits or bounded by the same outlines which it had a quarter of a century ago. The first edition of Warner's *American Charities* remains a classic; the third edition cannot replace it, nor does it fill the place in 1919 which the original book held in 1894. The publishers would have shown truer appreciation of Dr. Warner's contribution if they had reprinted the original volume and had asked Mrs. Coolidge to write a book of her own. Zeal for bringing details up to date has betrayed Mrs. Coolidge into a conspicuous and unfortunate mistake. In the "revised" dedication she inserts a middle initial "M." in the name of John Glenn and identifies the present director of the Russell Sage Foundation with his uncle, who was chairman of the executive committee of the Charity Organization Society of Baltimore during Dr. Warner's connection with it and when he wrote his book.

Only three, or at the most four, of the nine subjects on which the late Lord Redesdale wrote in his *Further Memories* (New York, E. P. Dutton and Company, 1918; xvi, 311 pp.) are such as fall within the purview of the POLITICAL SCIENCE QUARTERLY. These are the Paris Commune, a comparison between Queen Maria Theresa and Queen Victoria, the history of the Wallace Art Collection and the history of Russia from the opening years of the nineteenth century to the great war. The article on Russia extends to nearly sixty pages. It is the most valuable paper in the *Memories*. Redesdale knew Russia well, and embodied in the sketch is much material that he gathered at first hand from sources that were open peculiarly to him. The story of the emancipation of the serfs is retold with much freshness. Some new light is thrown on the attitude of Russia toward the seizure of the Danish provinces by Germany, and in the paper on Russia is to be found the best biographical sketch that is available of Sir John Fiennes Crampton, who was a member of the British mission at Washington from 1845 to 1856. Crampton left Washington under a cloud because of his activity in recruiting in the United States for service with the British forces in the Crimea. This episode, which has had due attention in biographies of Crampton, is recalled by Redesdale; but Redesdale, like all the other writers on Crampton's career, overlooked one distinct and memorable service that he rendered to the empire while

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at Washington. Crampton was there in 1849 when Hamilton Merritt, of Upper Canada, was sent from Montreal as an extraofficial commissioner to negotiate for reciprocity. Crampton associated himself most cordially with Merritt's mission. He was thus the first British diplomat to help the oversea dominions to the almost complete diplomatic freedom that was gradually conferred upon them between 1848 and 1907. In these after-war days, when recognition is slowly coming to the men who helped the dominions to the status of nationality within the empire, a well-drawn sketch of Crampton by a colleague in the diplomatic service has a value that is obvious.

Owing to somewhat prevalent habits among those who would change the settled order of things, we are apt to think of a "demagogue" as a person who necessarily advances positions which the conservative element of the community does not welcome. Mr. Harry F. Atwood, however, unconsciously reminds the readers of his *Back to the Republic* (Chicago, Laird and Lee, 1918; xi, 154 pp.) that the word properly connotes only a method of advocacy and does not necessarily convey any intimation as to the character of the proposals advocated. The volume is a perfervid appeal to abandon the dangerous experiments of popular election of any officials but legislators and chief executives, of vesting powers in administrative commissions and of enacting legislation by the initiative and referendum. Our parlous situation is graphically portrayed in the last two paragraphs of the chapter on "Dangerous Experiments." "Unfortunately, a very large proportion of our public officials during the past twenty-five years have been demagogues who have had little concept of the meaning of a *Republic*. They have substituted personality for principle, preachments for practice, pretense for performance, agitation for achievement, invective for ingenuity, experiment for execution, rashness for restraint, rhetoric for results and coercion for the Constitution." The importance of the author's contribution may be inferred from the tribute on the jacket from Dr. David Jane Hill: "The position taken by Mr. Atwood is fundamentally right, and the subject is of great importance at this time. The National Association for Constitutional Government takes substantially the position that Mr. Atwood does regarding the Republic as the only permanent safe form of human government."

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